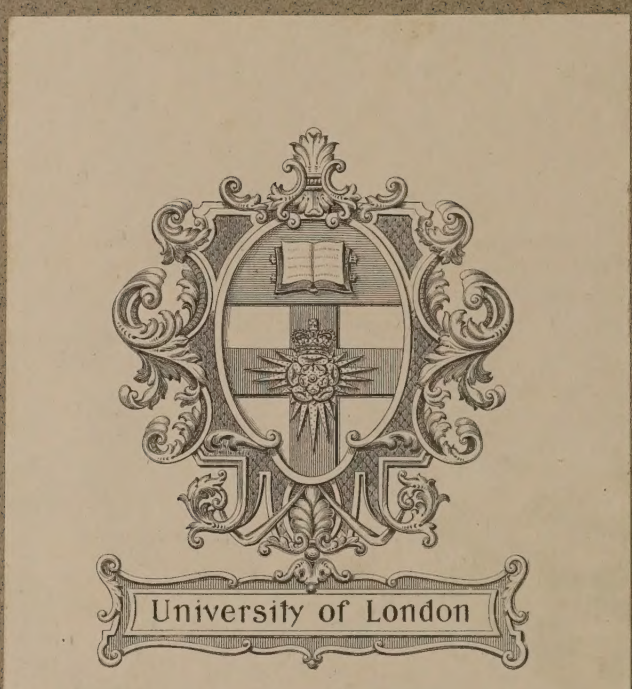
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B I L L S,

PUBLIC:

FIVE VOLUMES.

—(4.)—

METROPOLITAN BOARD OF WORKS (LOANS)

TO

PUBLIC WORKS (IRELAND).

Session

10 *December* 1868 —— 11 *August* 1869.

VOL. IV.

1868-9.

BILLS:

1868-9.

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FOR

Making further provision respecting the borrowing of Money by the Metropolitan Board of Works, and for other purposes connected therewith. A.D. 1869.

WHEREAS under the Acts mentioned in the first schedule to this Act the Metropolitan Board of Works have power to borrow money on the securities authorized by the several Acts to be given, and it is expedient to extend and vary such power:

And whereas in order to enable the Metropolitan Board of Works to obtain advances of money under the said Acts more readily, and at a lower rate of interest, although without any guarantee from the Commissioners of Her Majesty's Treasury, it is expedient to empower the Metropolitan Board of Works to create consolidated stock or annuities charged indifferently on all the securities above mentioned, and to establish one fund out of moneys arising from those securities, for the purpose of paying the dividends on and redeeming such stock and annuities:

And whereas it is expedient otherwise to amend the Acts relating to the borrowing of money by the Metropolitan Board of Works:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as The Metropolitan Board of Works (Loans) Act, 1869. Short title.

2. In this Act,— Definitions.

The term "board" means the Metropolitan Board of Works:

The term "Treasury" means the Commissioners of Her Majesty's Treasury:

The term "improvement fund" means the Thames embankment and metropolis improvement fund constituted under the

A.D. 1869.

London Coal and Wine Duties Continuance Act, 1861, and the Acts amending and continuing the same:

Each of the several series of Acts specified in the different parts of the first schedule to this Act is in this Act referred to by the collective name given to such series in such separate part.

Exercise by board of borrowing powers.

3. After the passing of this Act the board shall not (except for such temporary period not exceeding *six months* as the Treasury may from time to time sanction) raise otherwise than in conformity with this Act and with the sanction of the Treasury, any money under any powers of borrowing, whether conferred by the Acts mentioned in the first schedule to this Act, or otherwise howsoever.

Creation by board of consolidated stock.

4. The board, for the purpose of raising such portion of the loans authorized by the Acts mentioned in the first schedule to this Act for the purposes of those Acts as the Treasury may from time to time sanction, may create capital stock, to be called the metropolitan consolidated stock, and to be issued in such amounts and manner, at such price and times, on such terms, subject to such conditions, with such dividends, and redeemable (at the option of the board) at par at such times and on such conditions as the Treasury, before the creation thereof, may from time to time approve.

Security for stock.

5. No holder of any portion of stock created under this Act shall have any priority or preference by reason of the prior creation of such stock or otherwise, and all stock created under this Act for the purposes of the Acts mentioned in the first schedule to this Act, or of any Act hereafter to be passed, and the dividends thereon, and the sums required for the redemption thereof, shall be charged indifferently on the whole of the lands, rents, and property belonging to the board, under the Acts mentioned in the first schedule to this Act, and on all moneys which can be raised by the board by rates under this Act, and on the improvement fund, subject to all charges existing at the passing of this Act on such lands, rents, property, moneys, and fund respectively, and shall be a first charge thereon after those charges; and all moneys required for payment of the dividends on such stock, and the sums required to be raised for the redemption of such stock as mentioned in this Act, shall be raised out of the improvement fund and consolidated rate as in this Act mentioned.

Application of money raised.

6. Where any stock has been created under this Act in order to raise any portion of a loan authorized by any of the Acts mentioned in the first schedule to this Act for the purposes of any of those Acts, such stock is referred to in this Act as created for the purposes of

such Act, and the money raised thereby shall be deemed to have been borrowed under and for the purposes of such Act, and shall (subject to the provisions of this Act) be applied accordingly.

Stock, &c. to be personal estate.

7. All stock created under this Act shall be personal estate, and shall not descend to the heir or be liable to any foreign attachment by the custom of London or otherwise.

Investment by trustees in stock.

8. Where any trustee, executor, or administrator is authorized under the deed, will, or instrument creating such trust, or any Act of Parliament or order of a court, to invest any money which he holds as trustee in government securities, such trustee, executor, or administrator may, unless expressly forbidden to do so, invest that money in stock created under this Act in the same manner as if such stock had been expressly mentioned in the said deed, will, instrument, Act, or order authorizing such investment.

Advance of money by Public Works Loan Commissioners.

9. The Public Works Loan Commissioners may advance money to the board on the security of stock created under the provisions of this Act, and without requiring any further or other security, the said advances to be repaid by such instalments and within such period as may in each case be agreed upon with the approval of the Treasury.

Investment and advance by Commissioners for the reduction of the National Debt.

10. The Commissioners for the Reduction of the National Debt, if they think fit, with the approval of the Treasury, may from time to time, out of any moneys coming into their hands under any Act relating to savings banks or to post office savings banks, make advances to the board on the security of stock created under the provisions of this Act without any further or other security, and may invest the said moneys in such stock.

Books for consolidated stock.

11. The board shall cause to be kept at their office, or at some bank to be approved by the Treasury, books in which the names and addresses of the several persons and bodies corporate from time to time entitled to consolidated stock created under this Act, and the amounts to which they are respectively entitled, and all transfers thereof, shall be duly entered.

Transfer of stock.

12. Consolidated stock created under this Act shall be transferred only as follows:—

(1.) The transfer shall be made in the said books, and shall be signed in such books by the transferee or by his attorney duly authorized in that behalf, which authority shall be given by writing under his hand and seal attested by two or more witnesses:

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(2.) The transfer may be in the form contained in the second schedule to this Act, which shall be effectual in law to pass to the transferee all the interest of the transferor in the stock expressed to be transferred and the dividends thereon:

(3.) The acceptance of the transfer may be signified by the transferee or his attorney authorized in manner aforesaid in that behalf, subscribing such acceptance in the said books:

(4.) A person becoming entitled to any stock in consequence of the death, bankruptcy, or marriage of the owner, or by any lawful means other than by transfer under this Act, shall produce such evidence of his title as may be reasonably required by the board, or by the persons or body corporate who keep the said books.

No notice of any trust, express, implied, or constructive, shall be entered in the said books or receivable by the board, or by any persons or body corporate who keep such books.

Closing of transfer books.

13. The board, persons, or body corporate who keep the said books for transfers may, for such period not exceeding fourteen days as they may from time to time fix previous to each payment of dividend, close the books, and shall give seven days notice of the day on which such books will be closed by advertisement in some daily morning newspaper circulating generally in the metropolis.

Books to be evidence.

14. The books so kept under the provisions of this Act shall be evidence of all matters therein entered under the provisions of this Act, and of the title of persons or bodies corporate entered therein as owners of any stock created under this Act who are mentioned therein as such owners.

Certificates of stock.

15. The board, persons, or body corporate who keep the said books, may, if the board think fit, issue to the holder of any stock created under this Act a certificate under the common seal of the board or body corporate, or the seals of such persons or some or one of them, which certificate shall specify the amount of stock to which such holder is entitled, and may demand for such certificate any sum not exceeding *two shillings*, and such certificate shall be evidence of the title of the holder at the date of the certificate to the amount of stock stated therein, but the want of such certificate shall not prevent the owner of any stock from transferring the same.

Certificate to be renewed when destroyed.

16. If any such certificate be worn out or damaged, then the same may, upon the production thereof, be cancelled, and another

similar certificate may be given to the holder of the stock therein specified, or if such certificate be lost or destroyed, then, upon proof thereof to the satisfaction of the board, persons, or body corporate who keep the said books, a similar certificate shall be given to the holder of the stock specified in the certificate so lost or destroyed, and in either case a due entry of the substituted certificate shall be made in the said books, and for every such certificate so given or exchanged the like fee may be demanded as for an original certificate.

Certificate to bearer. 26 & 27 Vict. c. 28.

17. The Stock Certificate Act, 1863, (which relates to the issue to holders of stock in the public funds of certificates to bearer transferable by delivery,) shall extend to the stock created under this Act in the same manner as if such Act were herein enacted, with the following modifications; namely,

(1.) The term "the bank" shall be construed to mean the board, persons, or body corporate who keep the books for the transfer of stock created under this Act.

(2.) The terms "public stocks" and "stock" shall be construed to mean stock created under this Act.

(3.) The term "the books of the bank" shall be construed to mean the books kept for the transfer of stock in pursuance of this Act.

(4.) All fees shall be paid to the account of the board.

(5.) There shall be charged on every stock certificate a stamp duty of an amount equal to three times the amount of the stamp duty which would be chargeable on a transfer of the stock specified in the certificate.

(6.) The provision respecting a stock certificate, in respect of which no coupons have been presented for payment for a period of *ten years*, shall not extend to stock created under this Act.

Arrangement with bank.

18. The board may enter into such arrangement with any bank for carrying into effect the provisions of this Act with reference to the creation and transfer of consolidated stock, and the management thereof, and the keeping of the said books, and for the proper remuneration of the bank with reference thereto, as may be approved by the Treasury, and in case of difference between the board and any bank the question may be referred to the arbitration of the Treasury.

Stamp duty on transfers.

19. There shall be paid in respect of every transfer of consolidated stock under this Act a stamp duty of *two shillings and six-*

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pence for every full sum of one hundred pounds, and also for any fractional part of one hundred pounds, of the nominal amount of the stock transferred.

Forgery, &c. of transfers of stock, &c.

20. For the purposes of the Act of the session of the twenty-fourth and twenty-fifth years of Her Majesty's reign, chapter ninety-eight, "to consolidate and amend the Statute Law of England and "Ireland relating to indictable offences by forgery," all stock created under this Act shall be deemed to be capital stock of a body corporate within the meaning of that Act.

Making false entries in books.

21. Any person who with intent to defraud makes any false entry in or alters any word or figure in any of the said books for transfers, or in any manner falsifies any of the said books, or makes any transfer of any stock created under this Act, in the name of any person who is not the true owner thereof, shall be guilty of felony, and on conviction shall be liable to penal servitude for any term not exceeding *fourteen years*, or be imprisoned for any term not exceeding *two years*, with or without hard labour.

Making out false dividend warrants

22. Any person who, being a clerk, officer, or servant of or employed by the board, or the persons or body corporate who keep the books for transfer of stock under this Act, does with intent to defraud make out or deliver any dividend warrant or document for the payment of money in relation to any stock created under this Act for a greater or less amount than the person on whose behalf such warrant is made out is entitled to, shall be guilty of felony, and shall be liable on conviction to be kept in penal servitude for any term not exceeding *seven years*, or to be imprisoned for any term not exceeding *two years*, with or without hard labour.

Power to levy consolidated rate.

23. The board for the purpose of paying the dividends on and redeeming the consolidated stock, and also of defraying the expenses incurred by them in the execution of the Acts mentioned in the first schedule to this Act, or any of them, may levy a rate to be called the consolidated rate.

Such rate shall be assessed and levied in manner provided by the Metropolis Management Amendment Act, 1862, and the Acts amending the same, with respect to the sums required for defraying the expenses of the board in the execution of that Act, and may be assessed wholly or in part in respect of expenses incurred or to be incurred, and also in respect of any unpaid balance of a former rate, and all the provisions of that Act and the Acts amending the same concerning the estimate on which assessments by the board are to be made, and for and in relation to the assessing, raising,

and enforcing payment of the sums assessed by the board, shall, subject to the provisions of this Act, extend and apply to and in the case of the consolidated rate in the same manner as if the rate were therein mentioned, instead of the sums required for defraying the expenses of the board incurred in the execution of the Metropolis Management Amendment Act, 1862.

The board may apply the moneys raised by such rate in paying the principal and interest of any securities granted by them before the passing of this Act, for the purposes of the Acts mentioned in the first schedule to this Act, instead of levying any other rate or assessment for that purpose.

Consolidated loans fund.

24. For the purpose of paying the dividends on and redeeming consolidated stock created under this Act there shall be established a fund to be called the consolidated loans fund of the metropolis, and the board shall keep a separate account of such fund.

Moneys applicable to consolidated loans fund.

25. The board shall carry to the consolidated loans fund the moneys following (after providing for all charges on such moneys existing at the passing of this Act and for the time being payable); that is to say,—

(1.) All moneys in the nature of capital arising from the sale or other disposition of lands, rents, and property belonging to the board:

(2.) The residue of the improvement fund in the manner mentioned in this Act:

(3.) An annual sum in every year out of the consolidated rate, and out of the contributions paid to the board in pursuance of the Fire Brigade Act or out of one of such sources as may be equal to two per cent. on the total nominal amount of stock created under this Act; and

(4.) Such further annual sum, if any, as the Treasury may from time to time direct as being in their opinion necessary in order to pay the dividends on and to redeem all the stock created under this Act in sixty years from the date of the creation thereof.

Application of consolidated loans fund.

26. The board shall from time to time apply the consolidated loans fund according to such regulations as may be approved by the Treasury, first in the payment of the dividends on consolidated stock, and then in one or more of the following modes, namely, in purchasing metropolitan consolidated stock, and in redeeming metro-

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politan consolidated stock, and in payment of securities granted before the passing of this Act.

The board may in the meantime invest such fund (subject to the said regulations) in securities, the interest of which, and the resulting income thereof, shall form part of the consolidated loans fund and shall be applied and may be invested in the same manner.

All consolidated stock purchased and redeemed, and all securities paid in pursuance of this section, shall be cancelled, and thereupon all dividends and interest in respect thereof shall be extinguished.

Application of Thames embankment fund.

27. After the passing of this Act, the Treasury shall, in every half year or other period fixed by them, apply all moneys from time to time becoming part of the improvement fund in such half year or other period until the *fifth of July one thousand eight hundred and eighty-eight*, as follows:—

(1.) In applying such sum in payment of interest and principal due at the time of payment in respect of the securities granted before the passing of this Act with the guarantee of the Treasury under the Thames Embankment and Metropolis Improvement (Loans) Act, 1864, according to their respective priorities (if any), as may be necessary in order to pay all such principal and interest on or before the *fifth of July one thousand eight hundred and eighty-two*:

(2.) In applying such sum in payment of interest and principal due at the time of payment in respect of the securities granted before the passing of this Act with the guarantee of the Treasury under the Thames Embankment and Metropolis Improvement (Loans) Act, 1868, according to their respective priorities (if any), as may be necessary in order to pay all such principal and interest on or before the fifth day of July one thousand eight hundred and eighty-eight:

(3.) Then in paying the residue to the board to be carried by them to the consolidated loans fund:

Transfer of improvement fund to board.

28. When all securities granted before the passing of this Act with the guarantee of the Treasury, under the Thames Embankment and Metropolis Improvement (Loans) Act, 1864, and the Thames Embankment and Metropolis Improvement (Loans) Act, 1868, or either of those Acts, have either been paid or converted under this Act, the Treasury may declare that all their liability under such guarantee has ceased, and that after the date in that behalf mentioned this section shall take effect.

Such declaration shall be published in the London Gazette, and thereupon after the date in that behalf mentioned in such declaration this section shall take effect, and the Improvement Fund account shall be transferred from the Treasury into the name of the board, and the duties payable to that account under the London Coal and Wine Duties Continuance Act, 1861, shall continue to be paid to such account, and the improvement fund shall be applied by the board in the manner in which it is directed by this Act to be applied by the Treasury, and the accounts thereof shall, for the purpose of audit and all purposes whatever, be deemed to be accounts of the board, but shall be kept as separate accounts.

24 & 25 Vict. c. 42.

Separate accounts of amount raised for different Acts.

29. The board shall cause to be kept proper accounts showing the appropriation of the moneys raised by the stock created under this Act for the purposes of the different series of Acts, namely, the General Improvement Acts, the Main Drainage Acts, the Embankment Acts, and the Fire Brigade Act respectively.

Conversion of existing securities into consolidated stock.

30. Where the board before the passing of this Act have granted any security for the purposes of any of the Acts mentioned in the first schedule to this Act, they may enter into an arrangement with the holder of such security for the conversion thereof into such amount of consolidated stock as may be arranged between them. Such arrangement shall be made according to such regulations and on such terms as may be approved by the Treasury.

Consent of trustees, incapacitated persons, &c. to conversion.

31. Any person who holds any security granted by the board before the passing of this Act for the purposes of any of the Acts mentioned in the first schedule to this Act, and who is one of the persons enabled by the Lands Clauses Consolidation Act, 1845, to sell land under that Act, may consent to any arrangement approved by the Treasury under this Act, for the conversion of such security into consolidated stock, and to the payment of such security before the time limited for the payment thereof, and accept money for such consent in the same manner as if such person was the absolute owner in his own right of such security, and such person is hereby indemnified for so doing.

Creation of stock for paying off money borrowed, &c.

32. For the purpose of raising money to redeem any stock created under this Act, or to pay off any security granted before the passing of this Act by the board for the purposes of any of the Acts mentioned in the first schedule to this Act, and for the purpose of the conversion of any such security, the board may create consolidated stock under the provisions of this Act in like manner and with the like sanction as they may create the same

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for the purpose of raising money for the purposes of the said Acts, and the money raised by such stock shall be applied in such redemption and payment, and all stock created under the provisions of this section shall be deemed to be created and the money raised thereby to have been borrowed for the purposes of the Acts for the purpose of which the original stock was created or security granted, but nothing shall be done under this section which will increase the principal sum payable by the board by way of redemption or otherwise.

Sinking fund of existing securities.

33. Where any security granted before the passing of this Act is paid off out of the Consolidated Loans Fund, or by means of money raised by the creation of stock under this Act, or is converted into stock, and there is any sinking fund which has been formed for the payment of such security, either alone or jointly with other securities, the board shall carry to the Consolidated Loans Fund such sinking fund, or such proportion thereof as may be the proportion which such security bears to the total of the securities for which such fund is the sinking fund.

Additional borrowing powers of board.

34. The board may create stock under this Act for the purpose of raising, in addition to the loans authorized by the Acts mentioned in the first schedule to this Act, such further sums as the Treasury may sanction for the following purposes; namely,

(1.) For the purpose of completing the works authorized by the Main Drainage Acts, and for covering in and otherwise completing and making efficient the main sewers transferred to and vested in the board by the Metropolis Management Act, 1855:

(2.) For the purpose of completing the works authorized by the Embankment Acts:

(3.) For the purpose of providing station houses, fire engines, fire escapes, and permanent plant for the purpose of the Fire Brigade Act:

and all the provisions of this Act shall apply in like manner as if such sums were loans authorized by the Main Drainage Acts, the Embankment Acts, and the Fire Brigade Act respectively, and all the provisions of those Acts relating to the execution of works respectively authorized by them, shall continue in force and extend to the works executed by means of the money raised in pursuance of this section, and all stock created under this section shall be deemed to be created for the purposes of the above-mentioned Acts respectively.

Payment of dividends half-yearly.

35. The dividends on all stock created under this Act shall be paid half-yearly on such days as may be from time to time fixed by the board with the approval of the Treasury.

Enforcing payment of interest by receiver.

36. If, at the expiration of *one month* after the date when any dividend has become due under the provisions of this Act, the same has not been paid, the person or body corporate entitled to the same may, without prejudice to any other mode of recovery, apply for the appointment of a receiver to two justices of the peace acting for any part of the metropolis.

Such two justices are hereby empowered, after hearing the parties or giving them an opportunity to be heard, to appoint in writing under their hands and seals some person to collect and receive the whole, or a sufficient part of the moneys liable to the payment of such dividend, until such dividend, together with the costs of the application to the justices and of the collection of such moneys, are fully paid.

The person so appointed shall have the same power of collecting and receiving and applying such moneys and of making assessments for the purpose of obtaining such moneys as the board or any officer thereof may have. He shall apply all moneys received by him (subject nevertheless to any charges existing at the passing of this Act) rateably without any preference or priority among all persons entitled to any dividends on stock created under this Act.

A person or body corporate shall not be prejudiced either directly or indirectly by any loss which may be occasioned by the misapplication or non-application of any moneys received by any receiver appointed otherwise than upon the application or with the express consent of such person or body corporate, or by any act, deed, neglect, or default on the part of such receiver, but such loss shall be wholly borne by the person or body corporate upon whose application or by whose express consent such receiver was appointed:

Provided that no application for a receiver shall be entertained under this section, unless the sum due to the applicant or joint applicants at the date of the application amounts to more than one thousand pounds.

Appointment of receiver to enforce payment to consolidated loans fund.

37. If the board in any year fail to carry to the consolidated loans fund such sums as they are required by this Act to carry to such fund any person or body corporate entitled to any stock created under this Act may, without prejudice to any other remedy, apply to two justices of the peace for the appointment of a receiver, and such justices may appoint a receiver in the same

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manner, and the receiver so appointed shall have the same powers in all respects as in the case of a default in payment of any dividends upon such stock, but the moneys received by him (subject to the charges) shall be carried to the consolidated loans fund, and applied accordingly :

Provided that no such application shall be entertained unless the applicant or joint applicants are entitled to stock of a nominal amount of not less than *ten thousand pounds.*

Moneys received by the board to be paid into Bank to their account.

38. All sums of money, bills, and drafts which are received by the board under the provisions of this Act shall from time to time, within two days after the same have been received, or within two days after any bill has been accepted, completed, and perfected, if the same is not accepted, completed, and perfected at the time it is received, be paid by the board into the hands of some bank to be appointed by the board with the approval of Treasury, for which the receipt of one of the cashiers or other officers of such bank shall be a sufficient discharge; and all such moneys, bills, and drafts so to be paid as aforesaid shall from time to time be placed to the account of the board with such bank, and shall be applied and disposed of by the board for and towards the several purposes to which the same are by law applicable.

Exemption of purchasers of stock from inquiries into application of money, regularity of proceedings, &c.

39. A person or body corporate purchasing any stock created under this Act, or advancing money to the board on the security of such stock, shall not be bound to see or inquire whether such stock is created or such advances are required for the purposes of the Acts mentioned in the first schedule to this Act, or are in accordance with the provisions of this Act, or any regulations made thereunder, and shall not be prejudiced by the same not being so, and shall not be bound to see to or inquire into the application of the money or any part of the money arising from such stock or advances, or be in any way responsible for the non-application thereof, and shall not be bound to inquire whether the board so raising money, or any meeting thereof, was properly constituted or convened, or that the proceedings at any meeting of such board were legal or regular.

Approval of Treasury.

40. The approval, sanction, or certificate of the Treasury, where required under this Act, may be signified by the signature of any officer appointed by them for the purpose, and shall, until the contrary is proved, be deemed to have been given, and the holder of stock created under this Act shall not be prejudiced by reason of the absence of any such approval, sanction, or certificate.

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Purchasers of land to be freed from charges.

41. Where the board sell or lease or otherwise dispose of to any person or body corporate any land, rents, or property charged under the provisions of this Act as security for any stock created under this Act, such land, rents, and property shall in the hands of such person or body corporate be absolutely freed of every such charge, and such person or body corporate shall not be bound to see to or inquire into the application of the money arising from such sale to the consolidated loans fund or otherwise in manner directed by this Act, or be in any way responsible for the non-application thereof.

Power of board to sell, &c. land.

42. Nothing in this Act shall interfere with any power of the board to sell, lease, or otherwise dispose of land, rents, or property belonging to them, or with the application of the moneys in the nature of capital arising from such sale, lease, or disposition, in discharge of such liabilities and securities as are a charge on the same in priority to the charge created by this Act, or with the claim of any person or body corporate under any of the Acts mentioned in the first schedule to this Act, or otherwise existing at the passing of this Act, to such moneys or any part thereof.

Creation by board of annuities.

43. The board may, in lieu of any portion of stock authorized to be created under this Act, create for the like purpose terminable annuities, to be called metropolitan annuities, and to be granted at such rate of interest, on such terms, subject to such conditions, and terminable after such number of years as the Treasury may before the creation thereof from time to time approve; and throughout this Act the term "stock" shall be construed to include annuities so created, and all the provisions of this Act shall be construed accordingly, subject to the following qualifications; namely,

(1.) The term "dividend" shall be construed to mean the portion of the annuity which represents interest.

(2.) The term "nominal amount of stock" shall be construed to mean the capital value of the annuity at the time when such nominal amount is required to be ascertained, such capital value to be calculated on the same principles as the calculation made at the time of its creation.

(3.) The term "redeeming stock" and terms referring thereto shall be construed to mean paying the portion of instalments of any annuity which represents capital.

(4.) Instalments of an annuity shall be paid half-yearly on such days as may from time to time be fixed by the board with the approval of the Treasury.

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(5.) An appointment of a receiver may be made where one or more of the applicants happen to be entitled partly to stock and partly to annuities, or where one or more of the applicants happen to be entitled to stock and one or more to annuities, as well as where he or they are entitled to stock alone or annuities alone.

(6.) Where power is given by this Act to create stock, or to lay out the consolidated loans fund in the purchase of stock or to convert any security into stock, or to invest in or advance money on the security of stock, such creation, purchase, conversion, investment, or advance may be of, in, into, or on the security of annuities only or partly annuities and partly stock.

(7.) There shall be paid in respect of every transfer of metropolitan annuities a stamp duty of two shillings and sixpence for every full sum of one hundred pounds, and also for any fractional part of one hundred pounds of the value of the annuities transferred, which shall be computed in the case of a bonâ fide sale on the amount of the purchase money and in any other case upon the average selling price of the annuities transferred on the day of the date of the transfer.

Saving of holders of existing securities.

44. Nothing in this Act shall affect the security or rights of any person or body corporate who may, before the passing of this Act, have advanced money to the board for the purposes of the Acts mentioned in the first schedule to this Act, or who may for the time being hold any securities granted by the board under those Acts before the passing of this Act, so long as such persons or body corporate have not been paid the principal and interest due in respect of such advances and securities, or made an arrangement for the conversion of such security under this Act; and nothing in this Act shall prejudice or affect the guarantee given by the Treasury before the passing of this Act for the payment of the principal and interest of such securities; and the Treasury and the board shall respectively during the same period (except with the consent of the holders of such securities) apply the improvement fund and the funds and moneys under the control of the board in such manner, and perform all such acts and exercise all such powers, and, if necessary, levy the same rates and assessments as they would have been required to do for the benefit and security of the holders of such securities if this Act had not passed:

Provided, that where the repayment of the sums borrowed is made by the security dependent on the state of the funds charged

with such repayment, and no time has been expressly limited by the security for the payment of the money advanced to the board thereon, the holder of such security shall not be entitled to have the amount secured thereby paid to him at any earlier time than if this Act had not passed, or to have any larger proportion of the rate or fund which is charged with the same raised or applied, than he would have been entitled to have raised or applied, if this Act had not passed, that is to say, than the proportion which the amount of his security bears to the total amount of securities charged on that rate or fund before the passing of this Act, but the board may at any time with his consent repay out of the consolidated loans fund the principal money due on the security.

Annual return to be laid before Parliament.

45. On or before the first of February in every year the board shall prepare a return, in such form as may be from time to time directed by the Treasury, showing up to the first of January preceding the amount of stock created under this Act, and the application of the money raised by such stock, and the sums carried to and the application of the consolidated loans fund, and such other particulars respecting their loan transactions, as the Treasury may from time to time require, and such return shall be laid before both Houses of Parliament within *twenty-eight days* after the said *first of February*, if Parliament be then sitting, and if not within *ten days* after the next meeting of Parliament.

Repeal.

46. The Acts mentioned in the third schedule to this Act are hereby repealed to the extent therein mentioned, except so far as they relate to any securities granted and the application of any money raised before the passing of this Act, and to the rates and monies for payment of such securities:

Provided that this repeal shall not affect anything already done or suffered, or any right already acquired or accrued under such enactments, or any remedy or proceeding in respect thereof.

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SCHEDULES.

FIRST SCHEDULE.

Acts Authorizing Loans.

Date.	Title.
PART I.—GENERAL IMPROVEMENT ACTS.	
18 & 19 Vict. c. 120.	The Metropolis Management Act, 1855.
19 & 20 Vict. c. 112.	The Metropolis Management Amendment Act, 1856.
25 & 26 Vict. c. 102.	The Metropolis Management Amendment Act, 1862.
20 & 21 Vict. c. cxv.	Covent Garden approach and Southwark and Westminster communication Act, 1857.
20 & 21 Vict. c. cl.	The Finsbury Park Act, 1857.
21 & 22 Vict. c. xxxviii.	Victoria Park Approach Act, 1858.
27 & 28 Vict. c. iv.	The Southwark Park Act, 1864.
28 & 29 Vict. c. iii.	Whitechapel and Holborn Improvement Act, 1865.
29 & 30 Vict. c. cl.	Kensington Improvement Act, 1866.
31 & 32 Vict. c. vii.	Marylebone (Stingo Lane) Improvement Act, 1868.
PART II.—MAIN DRAINAGE ACTS.	
21 & 22 Vict. c. 104.	The Metropolis Management Amendment Act, 1858.
26 & 27 Vict. c. 68.	The Metropolitan Main Drainage Extension Act, 1863.
28 & 29 Vict. c. 19.	An Act to extend the period for borrowing the sum authorized to be raised under the Metropolitan Main Drainage Extension Act, 1863.
PART III.—FIRE BRIGADE ACT.	
28 & 29 Vict. c. 190.	The Metropolitan Fire Brigade Act, 1865.
PART IV.—EMBANKMENT ACTS.	
25 & 26 Vict. c. 93.	The Thames Embankment Act, 1862.
26 & 27 Vict. c. 45.	The Metropolis Improvement Act, 1863.
26 & 27 Vict. c. 75.	The Thames Embankment Act, 1863.
27 & 28 Vict. c. cxxxv.	Thames Embankment Amendment Act, 1864.
27 & 28 Vict. c. 61.	The Thames Embankment and Metropolis Improvement (Loans) Act, 1864.
31 & 32 Vict. c. 43.	The Thames Embankment and Metropolis Improvement (Loans) Act, 1868.
31 & 32 Vict. c. cxi.	The Thames Embankment (North and South) Act, 1868.
31 & 32 Vict. c. cxxxv.	The Thames Embankment (Chelsea) Act, 1868.
32 & 33 Vict. c.	The Park Lane Improvement Act, 1869 (if passed).

SECOND SCHEDULE.

Forms of Transfer.

I, *A.B.*, of , in consideration of the sum of pounds paid to me by *C.D.* of , do hereby transfer to the said *C.D.*, his executors, administrators, and assigns, the sum of £ metropolitan consolidated stock [*or* annuities] standing in my name in the books kept of such stock [*or* annuities], and all my property, right, and interest in and to the same and the dividends thereon [*or* the instalments thereof].

In witness whereof, I have hereunto set my hand this day of one thousand eight hundred and

A.B. (L.S.)

I, *C.D.*, do hereby accept the above-named sum of £ stock [*or* annuities], and will hold the same subject to the same conditions on which the said transferor held the same.

In witness whereof, I have hereunto set my hand this day of one thousand eight hundred and

C.D. (L.S.)

THIRD SCHEDULE.

ENACTMENTS REPEALED.

Date.	Title.	Extent of Repeal.
18 & 19 Vict. c. 120.	"An Act for the better Local Management of the Metropolis."	So much of section one hundred and thirty-five of the Metropolis Management Act, 1855, as provides that the sewers and works therein mentioned shall be completed on or before the 31st of December 1860; so much of section one hundred and eighty-three as relates to the mode of borrowing by the Metropolitan Board of Works, and sections one hundred and eighty-four to one hundred and ninety-one, both inclusive, so far as regards the Metropolitan Board of Works.
20 & 21 Vict. c. cxv.	"Covent Garden Approach and Southwark and Westminster Communication Act, 1857."	Section forty-five from "and for securing" to end of section, and sections forty-six to fifty-three, both inclusive, and section fifty-six.
20 & 21 Vict. c. cl.	"The Finsbury Park Act, 1857" -	Section thirty-six from "and for securing" to end of section, and sections thirty-seven to forty-four, both inclusive.
21 & 22 Vict. c. 104.	"An Act to alter and amend the Metropolis Local Management Act (1855), and to extend the powers of the Metropolitan Board of Works for the Purification of the Thames and the Main Drainage of the Metropolis."	Sections four to seven, and ten to twenty-two, all inclusive.
21 & 22 Vict. c. xxxviii.	"Victoria Park Approach Act, 1858" -	Section thirty-eight and "from securing" to end of section, and sections thirty-nine to forty-four, both inclusive, and section forty-seven.
25 & 26 Vict. c. 93.	"An Act for embanking the North Side of the River Thames from Westminster Bridge to Blackfriars Bridge, and for making new streets in and near thereto."	Section thirty-seven, and sections forty-two to forty-six, both inclusive.
25 & 26 Vict. c. 102.	"An Act to amend the Metropolis Local Management Acts."	Sections nineteen and twenty so far as regards the Metropolitan Board of Works.
26 & 27 Vict. c. 45.	"An Act for making a new street from Blackfriars to the Mansion House in the City of London in connexion with the Embankment of the River Thames on the northern side of that river, and for other purposes."	So much of section twenty as incorporates section thirty-seven of the Thames Embankment Act, 1862; and sections twenty-two and twenty-three.
26 & 27 Vict. c. 68.	"An Act to extend the powers of the Act relating to the Main Drainage of the Metropolis."	The whole Act.

Date.	Title.	Extent of Repeal.
26 & 27 Vict. c. 75.	"An Act for the embankment of part of the river Thames on the south side thereof, in the parish of Saint Mary Lambeth, and for other purposes."	So much of section twenty-one as incorporates section thirty-seven of the Thames Embankment Act, 1862; sections twenty-six, twenty-seven, twenty-eight, and twenty-nine.
27 & 28 Vict. c. 61.	"An Act for empowering the Commissioners of the Treasury to guarantee, and the Commissioners for the Reduction of the National Debt to advance, the sums authorized to be borrowed for the Embankment of the Thames and Improvement of the Metropolis, and for other purposes connected therewith."	The whole Act.
27 & 28 Vict. c. iv.	"The Southwark Park Act, 1864" -	Section thirty-one from "and for securing" to end of section, and sections thirty-two to thirty-nine, both inclusive.
28 & 29 Vict. c. 19.	"An Act to extend the period for borrowing the sum authorized to be raised under the Metropolitan Main Drainage Extension Act, 1863."	The whole Act.
28 & 29 Vict. c. 90.	"An Act for the establishment of a Fire Brigade within the metropolis."	Sections nineteen, twenty, and twenty-one.
28 & 29 Vict. c. iii.	"Whitechapel and Holborn Improvement Act, 1865."	Section thirty-one from "and for securing" to end of section, and sections thirty-two to thirty-nine, both inclusive, and section forty-two.
29 & 30 Vict. c. cl.	"Kensington Improvement Act, 1866"	Section thirty from "and for securing" to end of section, and sections thirty-one to thirty-eight, both inclusive, and section forty-one.
31 & 32 Vict. c. 43.	"An Act for extending the provisions of the Thames Embankment and Metropolis Improvement (Loans) Act, 1864, and for amending the powers of the Metropolitan Board of Works in relation to loans under that Act."	The whole Act.
31 & 32 Vict. c. vii.	"Marylebone (Stingo Lane) Improvement Act, 1868."	Section nineteen from "and for securing" to end of section, and sections twenty to twenty-six, both inclusive, and section twenty-nine.
31 & 32 Vict. c. cxi.	"The Thames Embankment (North and South) Act, 1868."	So much of section eighteen as relates to the mode of borrowing, and sections nineteen to twenty-two, both inclusive.
31 & 32 Vict. c. cxxxv.	"The Thames Embankment (Chelsea) Act, 1868."	So much of section twenty-eight as incorporates section thirty-seven of the Thames Embankment Act, 1862; so much of section twenty-nine as relates to the mode of borrowing, and sections thirty to thirty-two, both inclusive.

Metropolitan Board of Works (Loans).

A

B I L L

For making further provision respecting the borrowing of Money by the Metropolitan Board of Works, and for other purposes connected therewith.

(*Prepared and brought in by Mr. Dodson, Mr. Chancellor of the Exchequer, and Mr. Goschen.*)

5 *July* 1869.

Ordered, by The House of Commons, *to be Printed*, 25 *June* 1869.

[Bill 181.]

Under 3 *oz.*

Metropolitan Board of Works (Loans) Bill.

[AS AMENDED BY THE SELECT COMMITTEE.]

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SCHEDULES.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

FOR

Making further provision respecting the borrowing of Money by the Metropolitan Board of Works, and for other purposes connected therewith. A.D. 1869.

WHEREAS under the Acts mentioned in the first schedule to this Act the Metropolitan Board of Works has incurred debts now amounting in the whole to nearly eight million pounds:

And whereas it is necessary for the board to borrow such further sums for the purposes of the said Acts as, together with the sum already borrowed, will not exceed in the whole the amount of ten million pounds sterling, and it is expedient to authorize the board to raise the whole or any part of the said sum of ten million pounds by loans in manner herein-after provided, without the guarantee of the Commissioners of Her Majesty's Treasury, and for that purpose to create consolidated stock or annuities charged indifferently on all the securities mentioned in the said Acts, and to establish one fund out of moneys arising from those securities, for the purpose of paying the dividends on and redeeming such stock and annuities:

And whereas it is expedient otherwise to amend the Acts relating to the Metropolitan Board of Works:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as The Metropolitan Board of Works (Loans) Act, 1869. Short title.

2. In this Act,— Definitions.

The term "board" means the Metropolitan Board of Works:

The term "Treasury" means the Commissioners of Her Majesty's Treasury:

The term "improvement fund" means the Thames embankment and metropolis improvement fund constituted under the

A.D. 1869.

London Coal and Wine Duties Continuance Act, 1861, and the Acts amending and continuing the same:

Each of the several series of Acts specified in the different parts of the first schedule to this Act is in this Act referred to by the collective name given to such series in such separate part.

Exercise by board of borrowing powers.

3. After the passing of this Act the board shall not (except for such temporary period not exceeding six months as the Treasury may from time to time sanction) raise otherwise than in conformity with this Act and with the sanction of the Treasury, any money under any powers of borrowing, whether conferred by the Acts mentioned in the first schedule to this Act, or otherwise howsoever.

Creation by board of consolidated stock.

4. The board, for the purpose of raising such portion of the loans authorized by the Acts mentioned in the first schedule to this Act for the purposes of those Acts as the Treasury may from time to time sanction, may create capital stock, to be called the metropolitan consolidated stock, and to be issued in such amounts and manner, at such price and times, on such terms, subject to such conditions, with such dividends, and redeemable (at the option of the board) at par at such times and on such conditions as the Treasury, before the creation thereof, may from time to time approve.

Security for stock.

5. No holder of any portion of stock created under this Act shall have any priority or preference by reason of the prior creation of such stock or otherwise, and all stock created under this Act for the purposes of the Acts mentioned in the first schedule to this Act, or of any Act hereafter to be passed, and the dividends thereon, and the sums required for the redemption thereof, shall be charged indifferently on the whole of the lands, rents, and property belonging to the board, under the Acts mentioned in the first schedule to this Act, and on all moneys which can be raised by the board by rates under this Act, and on the improvement fund, subject to all charges existing at the passing of this Act on such lands, rents, property, moneys, and fund respectively, and shall be a first charge thereon after those charges; and all moneys required for payment of the dividends on such stock, and the sums required to be raised for the redemption of such stock as mentioned in this Act, shall be raised out of the improvement fund and metropolitan consolidated rate as in this Act mentioned.

Application of money raised.

6. Where any stock has been created under this Act in order to raise any portion of a loan authorized by any of the Acts mentioned in the first schedule to this Act for the purposes of any of those Acts, such stock is referred to in this Act as created for the purposes of

such Act, and the money raised thereby shall be deemed to have been borrowed under and for the purposes of such Act, and shall (subject to the provisions of this Act) be applied accordingly.

Stock, &c. to be personal estate.

7. All stock created under this Act shall be personal estate, and shall not descend to the heir or be liable to any foreign attachment by the custom of London or otherwise.

Advance of money by Public Works Loan Commissioners.

8. The Public Works Loan Commissioners may advance money to the board on the security of stock created under the provisions of this Act, and without requiring any further or other security, the said advances to be repaid by such instalments and within such period as may in each case be agreed upon with the approval of the Treasury.

Investment and advance by Commissioners for the Reduction of the National Debt.

9. The Commissioners for the Reduction of the National Debt, if they think fit, with the approval of the Treasury, may from time to time, out of any moneys coming into their hands under any Act relating to savings banks or to post office savings banks, make advances to the board on the security of stock created under the provisions of this Act without any further or other security, and may invest the said moneys in such stock.

Books for consolidated stock.

10. The board shall cause to be kept at their office, or at some bank to be approved by the Treasury, books in which the names and addresses of the several persons and bodies corporate from time to time entitled to consolidated stock created under this Act, and the amounts to which they are respectively entitled, and all transfers thereof, shall be duly entered.

Transfer of stock.

11. Consolidated stock created under this Act shall be transferred only as follows:—

(1.) The transfer shall be made in the said books, and shall be signed in such books by the transferee or by his attorney duly authorized in that behalf, which authority shall be given by writing under his hand and seal attested by two or more witnesses:

(2.) The transfer may be in the form contained in the second schedule to this Act, which shall be effectual in law to pass to the transferee all the interest of the transferor in the stock expressed to be transferred and the dividends thereon:

(3.) The acceptance of the transfer may be signified by the transferee or his attorney authorized in manner aforesaid in that behalf, subscribing such acceptance in the said books:

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(4.) A person becoming entitled to any stock in consequence of the death, bankruptcy, or marriage of the owner, or by any lawful means other than by transfer under this Act, shall produce such evidence of his title as may be reasonably required by the board, or by the persons or body corporate who keep the said books.

No notice of any trust, express, implied, or constructive, shall be entered in the said books or receivable by the board, or by any persons or body corporate who keep such books.

Closing of transfer books.

12. The board, persons, or body corporate who keep the said books for transfers may, for such period not exceeding fourteen days as they may from time to time fix previous to each payment of dividend, close the books, and shall give seven days notice of the day on which such books will be closed by advertisement in some daily morning newspaper circulating generally in the metropolis.

Books to be evidence.

13. The books so kept under the provisions of this Act shall be evidence of all matters therein entered under the provisions of this Act, and of the title of persons or bodies corporate entered therein as owners of any stock created under this Act who are mentioned therein as such owners.

Certificates of stock.

14. The board, persons, or body corporate who keep the said books, may, if the board think fit, issue to the holder of any stock created under this Act a certificate under the hand of some officer of the board or body corporate or of such persons, which certificate shall specify the amount of stock to which such holder is entitled, and such certificate shall be evidence of the title of the holder at the date of the certificate to the amount of stock stated therein, but the want of such certificate shall not prevent the owner of any stock from transferring the same.

Certificate to be renewed when destroyed.

15. If any such certificate be worn out or damaged, then the same may, upon the production thereof, be cancelled, and another similar certificate may be given to the holder of the stock therein specified, or if such certificate be lost or destroyed, then, upon proof thereof to the satisfaction of the board, persons, or body corporate who keep the said books, a similar certificate shall be given to the holder of the stock specified in the certificate so lost or destroyed, and in either case a due entry of the substituted certificate shall be made in the said books, and for every such certificate so given or exchanged a fee not exceeding two shillings, to be carried to the account of the board, may be demanded.

Certificate to bearer.

16. The Stock Certificate Act, 1863, (which relates to the issue to holders of stock in the public funds of certificates to bearer trans-

ferable by delivery,) shall extend to the stock created under this Act in the same manner as if such Act were herein enacted, with the following modifications; namely, 26 & 27 Vict. c. 28.

(1.) The term "the bank" shall be construed to mean the board, persons, or body corporate who keep the books for the transfer of stock created under this Act:

(2.) The terms "public stocks" and "stock" shall be construed to mean stock created under this Act:

(3.) The term "the books of the bank" shall be construed to mean the books kept for the transfer of stock in pursuance of this Act:

(4.) All fees shall be paid to the account of the board:

(5.) There shall be charged on every stock certificate a stamp duty of an amount equal to three times the amount of the stamp duty which would be chargeable on a transfer of the stock specified in the certificate:

(6.) The provision respecting a stock certificate, in respect of which no coupons have been presented for payment for a period of ten years, shall not extend to stock created under this Act.

Arrangement with bank.

17. The board may enter in to such arrangement with any bank for carrying into effect the provisions of this Act with reference to the creation and transfer of consolidated stock, and the management thereof, and the keeping of the said books, and for the proper remuneration of the bank with reference thereto, as may be approved by the Treasury.

Stamp duty on transfers.

18. There shall be paid in respect of every transfer of consolidated stock under this Act a stamp duty of two shillings and sixpence for every full sum of one hundred pounds, and also for any fractional part of one hundred pounds, of the nominal amount of the stock transferred.

Forgery, &c. of transfers of stock, &c.

19. For the purposes of the Act of the session of the twenty-fourth and twenty-fifth years of Her Majesty's reign, chapter ninety-eight, "to consolidate and amend the Statute Law of England and "Ireland relating to indictable offences by forgery," all stock created under this Act shall be deemed to be capital stock of a body corporate within the meaning of that Act.

Making false entries in books.

20. Any person who with intent to defraud makes any false entry in or alters any word or figure in any of the said books for transfers, or in any manner falsifies any of the said books, or makes any transfer of any stock created under this Act, in the name of

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any person who is not the true owner thereof, shall be guilty of felony, and on conviction shall be liable to penal servitude for any term not exceeding fourteen years, or be imprisoned for any term not exceeding two years, with or without hard labour.

Making out false dividend warrants.

21. Any person who, being a clerk, officer, or servant of or employed by the board, or the persons or body corporate who keep the books for transfer of stock under this Act, does with intent to defraud make out or deliver any stock certificate, dividend warrant, or document for the payment of money in relation to any stock created under this Act for a greater or less amount than the person on whose behalf such certificate, warrant, or document is made out is entitled to, shall be guilty of felony and shall be liable on conviction to be kept in penal servitude for any term not exceeding seven years, or to be imprisoned for any term not exceeding two years, with or without hard labour.

Power to levy consolidated rate.

22. The board, for the purpose of paying the dividends on and redeeming the consolidated stock, and also of defraying the expenses authorized to be incurred and incurred by them in the execution of the Acts mentioned in the first schedule to this Act or any of them, and of defraying the sums required for the payment of the principal and interest of the sinking funds for any securities granted by the board for the purposes of those Acts or any of them, before the passing of this Act shall (in lieu of all rates or assessments authorized at the passing of this Act to be assessed by them generally over the metropolis) from time to time assess and raise a rate to be called the Metropolitan Consolidated Rate.

Such rate shall be assessed and raised in manner provided by the Metropolis Management Act, 1855, and the Acts amending the same, with respect to the sums required for defraying the expenses of the board in the execution of that Act, and sums assessed for the purposes of the Main Drainage Acts, and may be assessed wholly or in part in respect of expenses incurred or to be incurred, and also in respect of any unpaid balance of a former rate; and all the provisions of that Act and the Acts amending the same concerning the estimate on which assessments by the board are to be made, and for and in relation to the assessing, raising, and enforcing payment of the sums assessed by the board, shall, subject to the provisions of this Act, extend and apply to and in the case of the consolidated rate in the same manner as if that rate were therein mentioned instead of the sums required for defraying the expenses of the board incurred in the execution of the Metropolis Management Amendment Act, 1862.

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Every precept issued by the board for the purposes of the metropolitan consolidated rate shall specify, first the proportion of the amount named in the precept which is required for the purpose of paying the principal and interest of and sinking fund for securities granted by them before the passing of this Act, and the dividends on and the sums required for the redemption of consolidated stock under this Act, and secondly the proportion of such amount which is required for all other purposes of the board.

In making an estimate for the last-mentioned portion of the consolidated rate the board shall not estimate the sum required for the purposes of the Fire Brigade Act as larger than a sum which would be produced by a rate of one halfpenny in the pound on the gross value of the property assessed to the metropolitan consolidated rate.

Nothing in this section shall delay or accelerate, or authorize the board to delay or accelerate, the repayment of any principal or interest of, or the providing of a sinking fund for any securities granted by the board before the passing of this Act for the purposes of the Main Drainage Acts without the consent of the holders thereof; and the board shall from time to time ascertain the amount which would have been raised by the levying of the main drainage rate, and the amount which would have been so raised shall be charged on the consolidated rate, and be deemed to be from time to time payable thereout before any portion of that rate is applied to any other purpose.

All rights at the passing of this Act existing as between landlord and tenant, or enjoyed by any other person under statute, contract, or otherwise in relation to the sums or rates assessed by the board shall continue to exist and be enjoyed in relation to the consolidated rate by the same persons and in the same manner as in relation to such sums or rates.

Clause A. Exempted places.

23. The places mentioned in schedule C. to the Metropolis Management Act, 1855, and every liberty, precinct, and place in the metropolis shall be liable to the metropolitan consolidated rate, except so far as they may be entitled under the General Improvement Acts to any exemption from any rate or part of a rate.

Consolidated loans fund.

24. For the purpose of paying the dividends on and redeeming consolidated stock created under this Act there shall be established a fund to be called the consolidated loans fund of the metropolis, and the board shall keep a separate account of such fund.

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Moneys applicable to consolidated loans fund.

25. The board shall carry to the consolidated loans fund the moneys following (after providing for all charges on such moneys existing at the passing of this Act and for the time being payable); that is to say,—

(1.) All moneys whether in the nature of capital or otherwise arising from the sale, lease, or other disposition of lands, rents, and property belonging to the board:

(2.) The residue of the improvement fund which may come into their hands in the manner mentioned in this Act:

(3.) Such an annual sum in every year out of the consolidated rate, and out of the contributions paid to the board in pursuance of the Fire Brigade Act or out of one of such sources as may be equal to two per cent. on the total nominal amount of stock created under this Act, whether it has been cancelled or not; or

(4.) Such greater or less annual sum as the Treasury may from time to time direct as being in their opinion necessary in order to pay the dividends on and to redeem all the stock created under this Act in sixty years from the date of the creation thereof.

Application of consolidated loans fund.

26. The board shall from time to time apply the consolidated loans fund according to such regulations as may be approved by the Treasury, first in the payment of the dividends on consolidated stock, and then in one or more of the following modes, namely, in purchasing metropolitan consolidated stock, and in redeeming metropolitan consolidated stock, and in payment of the principal of the securities granted before the passing of this Act.

The board may in the meantime invest such fund (subject to the said regulations) in Government securities, the interest of which, and the resulting income thereof, shall form part of the consolidated loans fund and shall be applied and may be invested in the same manner.

All consolidated stock purchased and redeemed, and all securities paid in pursuance of this section, shall be cancelled, and thereupon all dividends and interest in respect thereof shall be extinguished.

Application of Thames embankment fund.

27. After the passing of this Act, the Treasury shall, in every half year or other period fixed by them, apply all moneys from time to time becoming part of the improvement fund in such half year or other period until the fifth of July one thousand eight hundred and eighty-eight, as follows:—

(1.) In applying in each year, in continuation of the like payments directed by the Thames Embankment and Metro-

polis Improvement (Loans) Act, 1868, the sum of one hundred and eighty-five thousand pounds for payment of interest from time to time due, and repayment of the principal moneys advanced on the securities issued before the passing of the last-mentioned Act, with the guarantee of the Treasury, under the Thames Embankment and Metropolis Improvement (Loans) Act, 1864, or such other yearly sum as the Board and the respective holders of such securities from time to time mutually agree upon, so that such principal moneys, and all interest thereon, may, unless otherwise agreed between such holder and the Board, be paid off and discharged on or before the fifth day of July one thousand eight hundred and eighty-two. A.D. 1869.

(2.) Then in paying the interest for the time being due on securities issued, after the passing of the Thames Embankment and Metropolis Improvement (Loans) Act, 1868, and before the passing of this Act, under or for the purposes of the Embankment Acts, and in repaying the principal moneys advanced on such securities.

(3.) Then in paying the residue to the board to be carried by them to the consolidated loans fund:

Transfer of improvement fund to board.

28. When all securities granted before the passing of this Act with the guarantee of the Treasury, under the Thames Embankment and Metropolis Improvement (Loans) Act, 1864, and the Thames Embankment and Metropolis Improvement (Loans) Act, 1868, or either of those Acts, have either been paid or converted under this Act, the Treasury may declare that all their liability under such guarantee has ceased, and that after the date in that behalf mentioned this section shall take effect.

Such declaration shall be published in the London Gazette, and thereupon after the date in that behalf mentioned in such declaration this section shall take effect, and the Improvement Fund account shall be transferred from the Treasury into the name of the board, and the duties payable to that account under the London Coal and Wine Duties Continuance Act, 1861, and the Acts continuing the same shall continue to be paid to such account, and the improvement fund shall be applied by the board in the manner in which it is directed by this Act to be applied by the Treasury, and the accounts thereof shall, for the purpose of audit and all purposes whatever, be deemed to be accounts of the board, but shall be kept as separate accounts.

24 & 25 Vict. c. 42.

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Separate accounts of amount raised for different Acts.

29. The board shall cause to be kept proper accounts showing the appropriation of the moneys raised by the stock created under this Act for the purposes of the different series of Acts, namely, the General Improvement Acts, the Main Drainage Acts, the Embankment Acts, and the Fire Brigade Act respectively; all or any of the accounts of the board may be from time to time consolidated in such manner and on such conditions as the Treasury approve, and the accounts so kept shall be deemed sufficient for the purposes of any Act and all other purposes.

Conversion of existing securities into consolidated stock.

30. Where the board before the passing of this Act have granted any security for the purposes of any of the Acts mentioned in the first schedule to this Act, they may enter into an arrangement with the holder of such security for the conversion thereof into such amount of consolidated stock as may be arranged between them. Such arrangement shall be made according to such regulations and on such terms as may be approved by the Treasury.

Consent of trustees, incapacitated persons, &c. to conversion.

31. Any person who holds any security granted by the board before the passing of this Act for the purposes of any of the Acts mentioned in the first schedule to this Act, and who is one of the persons enabled by the Lands Clauses Consolidation Act, 1845, to sell land under that Act, may consent to any arrangement approved by the Treasury under this Act, for the conversion of such security into consolidated stock, and to the payment of such security before the time limited for the payment thereof, and accept money for such consent in the same manner as if such person was the absolute owner in his own right of such security, and such person is hereby indemnified for so doing.

Creation of stock for paying off money borrowed, &c.

32. For the purpose of raising money to redeem any stock created under this Act, or to pay off any security granted before the passing of this Act by the board for the purposes of any of the Acts mentioned in the first schedule to this Act, and for the purpose of the conversion of any such security, the board may create consolidated stock under the provisions of this Act in like manner and with the like sanction as they may create the same for the purpose of raising money for the purposes of the said Acts, and the money raised by such stock shall be applied in such redemption and payment, and all stock created under the provisions of this section shall be deemed to be created and the money raised thereby to have been borrowed for the purposes of the Acts for the purpose of which the original stock was created or security granted.

Sinking fund of existing securities.

33. Where any security granted before the passing of this Act is paid off out of the Consolidated Loans Fund, or by means of money

raised by the creation of stock under this Act, or is converted into stock, and there is any sinking fund which has been formed for the payment of such security, either alone or jointly with other securities, the board shall carry to the Consolidated Loans Fund such sinking fund, or such proportion thereof as may be the proportion which such security bears to the total of the securities for which such fund is the sinking fund.

Additional borrowing powers of board.

34. The board may create stock under this Act for the purpose of raising, in addition to the loans authorized by the Acts mentioned in the first schedule to this Act, such further sums as the Treasury may sanction for the following purposes; namely,

(1.) For the purpose of completing the works authorized by the Main Drainage Acts, and for covering in and otherwise completing and making efficient the main sewers transferred to and vested in the board by the Metropolis Management Act, 1855:

(2.) For the purpose of completing the works authorized by the Embankment Acts:

(3.) For the purpose of providing station houses, fire engines, fire escapes, and permanent plant for the purpose of the Fire Brigade Act:

and all the provisions of this Act shall apply in like manner as if such sums were loans authorized by the Main Drainage Acts, the Embankment Acts, and the Fire Brigade Act respectively, and all the provisions of those Acts relating to the execution of works respectively authorized by them shall continue in force and extend to the works executed by means of the money raised in pursuance of this section, and all stock created under this section shall be deemed to be created for the purposes of the above-mentioned Acts respectively.

Clause B.

Limit of borrowing power.

35. The Board shall not after the passing of this Act borrow an amount which, together with the amount actually owing by them at the passing of this Act, exceeds in the whole ten million pounds sterling actually received by them; provided that this shall not prevent the board from raising any money under the provisions of this Act for the purpose of paying off securities granted before the passing of this Act, and all moneys so raised shall be duly applied by the Board accordingly.

Payment of dividends.

36. The dividends on all stock created under this Act shall be paid on such days as may be from time to time fixed by the board with the approval of the Treasury.

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Clause C.

Receiver.

37. Any person or body corporate entitled to any stock under this Act may apply to the Court of Chancery in a summary way for the appointment of a receiver, and the Court of Chancery may, if the court think fit, on such application appoint a receiver on such terms and conditions, and with such powers, as the court think fit. Such person shall have the same power of collecting and receiving and applying all moneys liable to be carried under this Act to the consolidated loans fund, and of assessing and raising the metropolitan consolidated rate for the purpose of obtaining such moneys as the board or any officer thereof may have, and shall apply all such moneys, after payment of expenses and costs, rateably under the direction of the court, for the purposes of and in conformity with this Act. The court may at any time discharge such receiver, and shall have full jurisdiction over such receiver, and the applicant and all persons and bodies interested in the acts of the receiver, in the same manner and to the same extent as if a suit had been instituted for the administration of the affairs of the board and a receiver had been appointed in such suit.

The Lord Chancellor of Great Britain, with the advice and assistance of the Lords Justices of the Court of Appeal in Chancery, the Master of the Rolls, and the Vice-Chancellors, or any two of those judges, may from time to time make general orders for the regulation of the practice of the Court of Chancery under this section.

Moneys received by the board to be paid into Bank to their account.

38. All sums of money, bills, and drafts which are received by the board under the provisions of this Act shall from time to time, within two days after the same have been received, or within two days after any bill has been accepted, completed, and perfected, if the same is not accepted, completed, and perfected at the time it is received, be paid by the board into the hands of some bank to be appointed by the board with the approval of Treasury, for which the receipt of one of the cashiers or other officers of such bank shall be a sufficient discharge; and all such moneys, bills, and drafts so to be paid as aforesaid shall from time to time be placed to the account of the board with such bank, and shall be applied and disposed of by the board for and towards the several purposes to which the same are by law applicable.

Exemption of purchasers of stock from inquiries into application of money, regularity of proceedings, &c.

39. A person or body corporate purchasing any stock created under this Act, or advancing money to the board on the security of such stock, shall not be bound to see or inquire whether such stock is created or such advances are required for the purposes of the Acts mentioned in the first schedule to this Act, or are in accordance

with the provisions of this Act, or any regulations made thereunder, and shall not be prejudiced by the same not being so, and shall not be bound to see to or inquire into the application of the money or any part of the money arising from such stock or advances, or be in any way responsible for the non-application thereof, and shall not be bound to inquire whether the board so raising money, or any meeting thereof, was properly constituted or convened, or that the proceedings at any meeting of such board were legal or regular. A.D. 1869.

Approval of Treasury.

40. The approval, sanction, or certificate of the Treasury, where required under this Act, may be signified by the signature of any officer appointed by them for the purpose, and shall, until the contrary is proved, be deemed to have been given, and the holder of stock created under this Act shall not be prejudiced by reason of the absence of any such approval, sanction, or certificate.

Purchasers of land to be freed from charges.

41. Where the board sell or lease or otherwise dispose of to any person or body corporate any land, rents, or property charged under the provisions of this Act as security for any stock created under this Act, such land, rents, and property shall in the hands of such person or body corporate be absolutely freed of every such charge, and such person or body corporate shall not be bound to see to or inquire into the application of the money arising from such sale to the consolidated loans fund or otherwise in manner directed by this Act, or be in any way responsible for the non-application thereof.

Power of board to sell, &c. land.

42. Nothing in this Act shall affect any power or duty of the board to sell, lease, or otherwise dispose of land, rents, or property belonging to them, or to apply the moneys in the nature of capital arising from such sale, lease, or disposition, in discharge of such liabilities and securities as are a charge on the same in priority to the charge created by this Act, or affect the claim of any person or body corporate under any of the Acts mentioned in the first schedule to this Act, or otherwise existing at the passing of this Act, to such moneys or any part thereof.

Creation by board of annuities.

43. The board may, in lieu of any portion of stock authorized to be created under this Act, create for the like purpose terminable annuities, to be called metropolitan annuities, and to be granted at such rate of interest, on such terms, subject to such conditions, and terminable after such number of years as the Treasury may before the creation thereof from time to time approve; and throughout this Act the term "stock" shall be construed to include annuities

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so created, and all the provisions of this Act shall be construed accordingly, subject to the following qualifications; namely,

(1.) The term "dividend" shall be construed to mean the portion of the annuity which represents interest.

(2.) The term "nominal amount of stock" shall be construed to mean the capital value of the annuity at the time when such nominal amount is required to be ascertained, such capital value to be calculated on the same principles as the calculation made at the time of its creation.

(3.) The term "redeeming stock" and terms referring thereto shall be construed to mean paying the portion of instalments of any annuity which represents capital.

(4.) Instalments of an annuity shall be paid on such days as may from time to time be fixed by the board with the approval of the Treasury.

(5.) An appointment of a receiver may be made where one or more of the applicants happen to be entitled partly to stock and partly to annuities, or where one or more of the applicants happen to be entitled to stock and one or more to annuities, as well as where he or they are entitled to stock alone or annuities alone.

(6.) Where power is given by this Act to create stock, or to lay out the consolidated loans fund in the purchase of stock or to convert any security into stock, or to invest in or advance money on the security of stock, such creation, purchase, conversion, investment, or advance may be of, in, into, or on the security of annuities only or partly annuities and partly stock.

(7.) There shall be paid in respect of every transfer of metropolitan annuities a stamp duty of two shillings and sixpence for every full sum of one hundred pounds, and also for any fractional part of one hundred pounds of the value of the annuities transferred, which shall be computed in the case of a bonâ fide sale on the amount of the purchase money and in any other case upon the average selling price of the annuities transferred on the day of the date of the transfer.

Saving of holders of existing securities.

44. Nothing in this Act shall affect the security or rights of any person or body corporate who may, before the passing of this Act, have advanced money to the board for the purposes of the Acts mentioned in the first schedule to this Act, or who may for the time being hold any securities granted by the board under those Acts before the passing of this Act, so long as such persons or body corporate have not been paid the principal and interest due in

respect of such advances and securities, or made an arrangement for the conversion of such security under this Act; and nothing in this Act shall prejudice or affect the guarantee given by the Treasury before the passing of this Act for the payment of the principal and interest of such securities; and the Treasury and the board shall respectively during the same period (whenever so required by the holders of such securities) apply the improvement fund and the funds and moneys under the control of the board in such manner, and perform all such acts and exercise all such powers, and, if necessary, levy the same rates and assessments as they would have been required to do for the benefit and security of the holders of such securities if this Act had not passed:

Provided, that where the repayment of the sums borrowed is made by the security dependent on the state of the funds charged with such repayment, and no time has been expressly limited by the security for the payment of the money advanced to the board thereon, the holder of such security shall not be entitled to have the amount secured thereby paid to him at any earlier time than if this Act had not passed, or to have any larger proportion of the rate or fund which is charged with the same raised or applied, than he would have been entitled to have raised or applied, if this Act had not passed, that is to say, than the proportion which the amount of his security bears to the total amount of securities charged on that rate or fund before the passing of this Act, and having the same rank as to priority, but the board may at any time with his consent repay out of the consolidated loans fund the principal money due on the security.

Clause D. Uncompleted contracts for loans.

45. Where at the passing of this Act the board have entered into any contract for any loan, with or without the guarantee of the Treasury thereon, and the whole of such loan has not been paid or the securities therefor granted, such loan, for the purposes of this Act, shall be deemed to have been advanced, charged, and secured according to the terms of such contract, and the guarantee of the Treasury, (if given,) to have been given, and the securities for such loan to have been granted before the passing of this Act.

Annual return to be laid before Parliament.

46. On or before the first of June in every year the board shall prepare a return, in such form as may be from time to time directed by the Treasury, showing up to the twenty-fifth of March preceding the amount of stock created under this Act, and the application of the money raised by such stock, and the sums carried to and the application of the consolidated loans fund, and such other particulars respecting their loan transactions, and such

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estimate of the expenditure of the board for all purposes for the year commencing on such twenty-fifth of March, as the Treasury may from time to time require, and such return shall be laid before both Houses of Parliament on or before the said first of June, if Parliament be then sitting, and if not within ten days after the next meeting of Parliament.

Repeal.

47. The Acts mentioned in the third schedule to this Act are hereby repealed to the extent therein mentioned, except so far as they relate to any securities granted and the application of any money raised before the passing of this Act, and to the rates and moneys for payment of such securities which remain undischarged:

Provided that this repeal shall not affect anything already done or suffered, or any right already acquired or accrued under such enactments, or any remedy or proceeding in respect thereof.

SCHEDULES.

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FIRST SCHEDULE.

Acts Authorizing Loans.

Date.	Title.
PART I.—GENERAL IMPROVEMENT ACTS.	
18 & 19 Vict. c. 120.	The Metropolis Management Act, 1855.
19 & 20 Vict. c. 112.	The Metropolis Management Amendment Act, 1856.
25 & 26 Vict. c. 102.	The Metropolis Management Amendment Act, 1862.
20 & 21 Vict. c. cxv.	Covent Garden approach and Southwark and Westminster communication Act, 1857.
20 & 21 Vict. c. cl.	The Finsbury Park Act, 1857.
21 & 22 Vict. c. xxxviii.	Victoria Park Approach Act, 1858.
27 & 28 Vict. c. iv.	The Southwark Park Act, 1864.
28 & 29 Vict. c. iii.	Whitechapel and Holborn Improvement Act, 1865.
29 & 30 Vict. c. cl.	Kensington Improvement Act, 1866.
31 & 32 Vict. c. vii.	Marylebone (Stingo Lane) Improvement Act, 1868.
PART II.—MAIN DRAINAGE ACTS.	
21 & 22 Vict. c. 104.	The Metropolis Management Amendment Act, 1858.
26 & 27 Vict. c. 68.	The Metropolitan Main Drainage Extension Act, 1863.
28 & 29 Vict. c. 19.	An Act to extend the period for borrowing the sum authorized to be raised under the Metropolitan Main Drainage Extension Act, 1863.
PART III.—FIRE BRIGADE ACT.	
28 & 29 Vict. c. 190.	The Metropolitan Fire Brigade Act, 1865.
PART IV.—EMBANKMENT ACTS.	
25 & 26 Vict. c. 93.	The Thames Embankment Act, 1862.
26 & 27 Vict. c. 45.	The Metropolis Improvement Act, 1863.
26 & 27 Vict. c. 75.	The Thames Embankment Act, 1863.
27 & 28 Vict. c. cxxxv.	Thames Embankment Amendment Act, 1864.
27 & 28 Vict. c. 61.	The Thames Embankment and Metropolis Improvement (Loans) Act, 1864.
31 & 32 Vict. c. 43.	The Thames Embankment and Metropolis Improvement (Loans) Act, 1868.
31 & 32 Vict. c. cxi.	The Thames Embankment (North and South) Act, 1868.
31 & 32 Vict. c. cxxxv.	The Thames Embankment (Chelsea) Act, 1868.
32 & 33 Vict. c.	The Park Lane Improvement Act, 1869 (if passed).

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SECOND SCHEDULE.

FORMS OF TRANSFER.

I, *A.B.*, of , in consideration of the sum of pounds paid to me by *C.D.* of , do hereby transfer to the said *C.D.*, his executors, administrators, and assigns, the sum of £ metropolitan consolidated stock [*or* annuities] standing in my name in the books kept of such stock [*or* annuities], and all my property, right, and interest in and to the same and the dividends thereon [*or* the instalments thereof].

In witness whereof, I have hereunto set my hand this day of one thousand eight hundred and .

A.B. (L.S.)

I, *C.D.*, do hereby accept the above-named sum of £ stock [*or* annuities], and will hold the same subject to the same conditions on which the said transferor held the same.

In witness whereof, I have hereunto set my hand this day of one thousand eight hundred and .

C.D. (L.S.)

THIRD SCHEDULE.

ENACTMENTS REPEALED.

Date.	Title.	Extent of Repeal.
18 & 19 Vict. c. 120.	"An Act for the better Local Management of the Metropolis."	So much of section one hundred and thirty-five of the Metropolis Management Act, 1855, as provides that the sewers and works therein mentioned shall be completed on or before the 31st of December 1860; so much of section one hundred and eighty-three as relates to the mode of borrowing by the Metropolitan Board of Works, and sections one hundred and eighty-four to one hundred and ninety-one, both inclusive, so far as regards the Metropolitan Board of Works.
20 & 21 Vict. c. cxv.	"Covent Garden Approach and Southwark and Westminster Communication Act, 1857."	Section forty-five from "and for securing" to end of section, and sections forty-six to fifty-three, both inclusive, and section fifty-six.
20 & 21 Vict. c. cl.	"The Finsbury Park Act, 1857" -	Section thirty-six from "and for securing" to end of section, and sections thirty-seven to forty-four, both inclusive.
21 & 22 Vict. c. 104.	"An Act to alter and amend the Metropolis Local Management Act (1855), and to extend the powers of the Metropolitan Board of Works for the Purification of the Thames and the Main Drainage of the Metropolis."	Sections four to seven, and ten to twenty-two, all inclusive.
21 & 22 Vict. c. xxxviii.	"Victoria Park Approach Act, 1858" -	Section thirty-eight from "and for securing" to end of section, and sections thirty-nine to forty-four, both inclusive, and section forty-seven.
25 & 26 Vict. c. 93.	"An Act for embanking the North Side of the River Thames from Westminster Bridge to Blackfriars Bridge, and for making new streets in and near thereto."	Section thirty-seven, and sections forty-two to forty-six, both inclusive.
25 & 26 Vict. c. 102.	"An Act to amend the Metropolis Local Management Acts."	Sections nineteen and twenty so far as regards the Metropolitan Board of Works.
26 & 27 Vict. c. 45.	"An Act for making a new street from Blackfriars to the Mansion House in the City of London in connexion with the Embankment of the River Thames on the northern side of that river, and for other purposes."	So much of section twenty as incorporates section thirty-seven of the Thames Embankment Act, 1862; and sections twenty-two and twenty-three.
26 & 27 Vict. c. 68.	"An Act to extend the powers of the Act relating to the Main Drainage of the Metropolis."	The whole Act.

Date.	Title.	Extent of Repeal.
26 & 27 Vict. c. 75.	"An Act for the embankment of part of the river Thames on the south side thereof, in the parish of Saint Mary Lambeth, and for other purposes."	So much of section twenty-one as incorporates section thirty-seven of the Thames Embankment Act, 1862; sections twenty-six, twenty-seven, twenty-eight, and twenty-nine.
27 & 28 Vict. c. 61.	"An Act for empowering the Commissioners of the Treasury to guarantee, and the Commissioners for the Reduction of the National Debt to advance, the sums authorized to be borrowed for the Embankment of the Thames and Improvement of the Metropolis, and for other purposes connected therewith."	The whole Act.
27 & 28 Vict. c. iv.	"The Southwark Park Act, 1864" -	Section thirty-one from "and for securing" to end of section, and sections thirty-two to thirty-nine, both inclusive.
28 & 29 Vict. c. 19.	"An Act to extend the period for borrowing the sum authorized to be raised under the Metropolitan Main Drainage Extension Act, 1863."	The whole Act.
28 & 29 Vict. c. 90.	"An Act for the establishment of a Fire Brigade within the metropolis."	Sections nineteen, twenty, and twenty-one.
28 & 29 Vict. c. iii.	"Whitechapel and Holborn Improvement Act, 1865."	Section thirty-one from "and for securing" to end of section, and sections thirty-two to thirty-nine, both inclusive, and section forty-two.
29 & 30 Vict. c. cl.	"Kensington Improvement Act, 1866"	Section thirty from "and for securing" to end of section, and sections thirty-one to thirty-eight, both inclusive, and section forty-one.
31 & 32 Vict. c. 43.	"An Act for extending the provisions of the Thames Embankment and Metropolis Improvement (Loans) Act, 1864, and for amending the powers of the Metropolitan Board of Works in relation to loans under that Act."	The whole Act.
31 & 32 Vict. c. vii.	"Marylebone (Stingo Lane) Improvement Act, 1868."	Section nineteen from "and for securing" to end of section, and sections twenty to twenty-six, both inclusive, and section twenty-nine.
31 & 32 Vict. c. cxi.	"The Thames Embankment (North and South) Act, 1868."	So much of section eighteen as relates to the mode of borrowing, and sections nineteen to twenty-two, both inclusive.
31 & 32 Vict. c. cxxxv.	"The Thames Embankment (Chelsea) Act, 1868."	So much of section twenty-eight as incorporates section thirty-seven of the Thames Embankment Act, 1862; so much of section twenty-nine as relates to the mode of borrowing, and sections thirty to thirty-two, both inclusive.

Metropolitan Board of Works (Loans).

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

For making further provision respecting the borrowing of Money by the Metropolitan Board of Works, and for other purposes connected therewith.

(*Prepared and brought in by Mr. Dodson, Mr. Chancellor of the Exchequer, and Mr. Goschen.*)

Ordered, by The House of Commons, *to be Printed*, 23 *July* 1869.

[Bill 238.]

Under 3 *oz.*

A

B I L L

TO

Amend the Metropolitan Building Act, 1855.

A.D. 1869.

WHEREAS by the Metropolitan Building Act, 1855, various powers for the regulation and supervision of buildings in the metropolis are given to the Metropolitan Board of Works: 18 & 19 Vict. c. 122.

And whereas by Part Two of the same Act certain powers over dangerous structures are given to the commissioners of police of the metropolis, and it is expedient to transfer those powers to the Metropolitan Board of Works:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as The Metropolitan Building Act, 1869. Short title.

2. This Act shall be construed as one with The Metropolitan Building Act, 1855, and the Acts amending the same. Construction of Act. 18 & 19 Vict. c. 122.

3. This Act shall come into operation on the day of *one thousand eight hundred and sixty-nine*, which date is in this Act referred to as the commencement of this Act. Commencement of Act.

4. The powers given by Part Two of the Metropolitan Building Act, 1855, to the commissioners of police of the metropolis with respect to the survey of and securing and notice respecting structures in a dangerous state, and to taking down, securing, or repairing such structures, and to the recovery of the expenses thereof, and to the appointment of persons and making of regulations for carrying into execution Part Two of the said Act relating to such structures, shall, on the commencement of this Act, be transferred to and vest in, and may thereafter be exercised by, the Metropolitan Board of Works; and the expression "the commissioners" throughout the said part (so far as regards structures situate within the limits of Transfer of powers over dangerous structures to the Metropolitan Board of Works.

A.D. 1869.

the said Act, and not within the city of London) shall mean the Metropolitan Board of Works.

Expenses of Metropolitan Board of Works.

5. All payments directed by Part Two of the Metropolitan Building Act, 1855, as amended by this Act, to be made by the Metropolitan Board of Works in respect of any structure situate within the limits of that Act, and not within the city of London, and all expenses incurred by the said board in carrying into execution Part Two of the said Act, shall be deemed to be part of their expenses in carrying into execution the said Act, and shall be raised and paid accordingly.

All payments directed by Part Two of the said Act as amended by this Act to be made to the Metropolitan Board of Works, shall be made in the same manner in which payments are made to the board in the ordinary course of their business.

Repeal of part of 18 & 19 Vict. c. 122.

6. So much of the Metropolitan Building Act, 1855, as is set out in the third column of the schedule to this Act is hereby repealed.

SCHEDULE.

Date.	Title.	Part repealed.
18 & 19 Vict. c. 122.	An Act to amend the laws relating to the construction of buildings in the metropolis and its neighbourhood.	The following words in sect. 70: "but "when such structure is situate elsewhere, it shall mean 'the commissioners of police of the metropolis,' "or such one of them as may be authorized by one of Her Majesty's "Principal Secretaries of State to "act in the matter of this Act." The following words in sect. 75: "and in the cases of payments in "respect of any structure situate "elsewhere within the limits of this "Act be made by or to the receiver "of metropolitan police." The following words in sect. 81: "subject to the approval of one of Her "Majesty's Principal Secretaries of "State;" and the following words in the same section: "and all expenses "incurred by them not hereby otherwise provided for shall, in the case "of expenses incurred by the said "commissioners of police, be deemed "to be expenses incurred by them in "respect of the police force of which "they are commissioners, and be "payable accordingly."

Metropolitan Building Act (1855) Amendment.

A

B I L L

To amend the Metropolitan Building Act, 1855.

(*Prepared and brought in by Mr. Knatchbull-Hugessen and Mr. Secretary Bruce.*)

Ordered, by The House of Commons, *to be Printed,* 13 *July* 1869.

[Bill 214.]

Under 1 *oz.*

A

B I L L

TO

Amend The Metropolitan Commons Act, 1866.

A.D. 1869.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as "The Metropolitan Commons Amendment Act, 1869."

Extension of interpretation of term "common" in said Act.

2. The following words shall be added to the interpretation of the term "common" in the third clause of the Metropolis Commons Act, 1866; namely, "and any open space which has been enjoyed or frequented by the public for not less than *twenty years* before the passing of this Act."

Extension of application of said Act.

3. The words "a radius of *twenty-five* miles from Charing Cross" shall be substituted in the fourth section of the said Act for the words "the Metropolitan Police District as defined at the passing of this Act;" and the Act shall be read and construed in all respects as if the substituted words had been inserted in and formed part of the original enactment.

[Bill 77.]

Metropolitan Commons Act (1866) Amendment.

A

B I L L

To amend The Metropolitan Commons Act, 1866.

(*Prepared and brought in by Mr. Thomas Chambers and Mr. Locke.*)

Ordered, by The House of Commons, *to be Printed,* 13 *April* 1869.

[Bill 77.]

Under 1 *oz.*

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

TO

Amend The Metropolitan Commons Act, 1866.

A.D. 1869.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Short title.

1. This Act may be cited as "The Metropolitan Commons Amendment Act, 1869."

Extension of interpretation of term "common" in said Act.

2. The following words shall be added to the interpretation of the term "common" in the third clause of The Metropolitan Commons Act, 1866; namely, "and any land subject to be included under the provisions of the eighth and ninth Victoria, chapter one hundred and eighteen."

Clause A. Extension of right to memorialize.

3. A scheme may be made, under The Metropolitan Commons Act (1866), on a memorial in that behalf presented to the Commissioners by any twelve or more ratepayers or inhabitants of the parish or parishes in which the Metropolitan Common is situate, as well as by any such person, persons, or body as is or are described in section six of the said Act.

Metropolitan Commons Act (1866) Amendment.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

To amend The Metropolitan Commons Act, 1866.

(*Prepared and brought in by Mr. Thomas Chambers and Mr. Locke.*)

Ordered, by The House of Commons, *to be Printed,* 19 *July* 1869.

[Bill 221.]

Under 1 *oz.*

A

B I L L

TO

Confirm a scheme under "The Metropolitan Commons Act, 1866." A.D. 1869.

WHEREAS the Inclosure Commissioners for England and Wales have, in pursuance of "The Metropolitan Commons Act, 1866," duly certified a scheme for the establishment of local management with respect to Hayes Common, situate in the parish of Hayes in the county of Kent, and it is by the said Act provided that no such scheme shall have any operation until such scheme shall have been confirmed by Parliament, and it is expedient that the said scheme should be so confirmed: 29 & 30 Vict. c. 122.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. That the scheme for the establishment of local management with respect to Hayes Common, situate in the parish of Hayes in the county of Kent, certified by the Inclosure Commissioners for England and Wales under their seal on the thirty-first day of December one thousand eight hundred and sixty-eight, be hereby confirmed, and from and after the passing of this Act shall be deemed to be a public general Act of Parliament, of the like force and effect as if the provisions of the same had been enacted in the body of this Act. Scheme as to Hayes Common certified by Inclosure Commissioners confirmed.

2. This Act may be cited for all purposes as "The Metropolitan Commons Supplemental Act, 1869." Short Title.

Metropolitan Commons Supplemental.

A

BILL

To confirm a scheme under "The Metropolitan Commons Act, 1866."

(*Prepared and brought in by Mr. Knatchbull-Hugessen and Mr. Secretary Bruce.*)

Ordered, by The House of Commons, *to be Printed,* 1 *March* 1869.

[Bill 30.]

Under 1 *oz.*

A

B I L L

To amend The Metropolitan Poor Act, 1867. A.D. 1869.

WHEREAS it is expedient that sundry amendments should be made in The Metropolitan Poor Act, 1867: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Poor Law Board empowered to dissolve asylum and school districts and unions.

1. The Poor Law Board, as and when they shall see fit, may dissolve any asylum or school district contained wholly or partly in the metropolis, and upon such dissolution shall adjust the rights and liabilities of parishes and unions comprised therein respectively, and provide for the compensation of the officers and other persons employed therein, in like manner as when a union is dissolved under the authority of the thirty-second section of The Poor Law Amendment Act, 1834; and so much of that section as requires the concurrence of two-thirds of the guardians in the dissolution of any union is hereby repealed.

Poor Law Board empowered to adjust parts of divided parishes.

2. Where several parts of any parish are separated from one another and it shall appear to the Poor Law Board that the relief to the poor in such parish can be better administered by means of a readjustment of those parts, the said board may, by an order under seal, make a readjustment of such parts, by incorporation with an adjoining parish or otherwise, in such manner as shall seem to them to be most expedient; and they shall, after the issuing of such order, make all such regulations for the adjustment of the rights and liabilities of the parts of the parishes respectively affected by by the said order as the nature of the case shall in their judgment require.

May rescind provisions in LocalAct relating to the assessing

3. The said board may, as and when they see fit, by order under seal, rescind all or any of the provisions contained in any Local Act which relate to the making, assessing, and collecting of the poor rate of any parish.

A.D. 1869.

and collecting of the poor rate.

Provided that no such rescinding shall in any respect affect the rates current at the time when the board make such order nor the liability of the persons rated therein to pay the same, or of the persons assessing, collecting, or receiving the same, to account to the auditor and other proper authorities for the same, nor deprive any assessor, collector, or other officer engaged in the assessment or collection of the said rate of his office salary or remuneration, nor render the securities given by him void; but the same shall enure for the benefit of the parish as fully as if the Local Act remained wholly in force.

Qualification of managers of asylum districts.

4. The qualification of managers referred to in section 10 of The Metropolitan Poor Act, 1867, shall be deemed to have been and to be that which the Poor Law Board are empowered to prescribe by the twelfth section of the said Act.

How loans in districts to be charged.

5. The paragraph numbered 2 in the seventeenth section of the last-mentioned Act is hereby repealed, and the sums of money now borrowed or hereafter to be borrowed by the managers of any district under the authority of that or any subsequent Act shall be charged upon the general fund of the district raised by contributions according to section 55 of the said first-mentioned Act, and be repaid in like manner as the expenses provided for in section 31 of the same Act.

Where dispensary provided the establishment of a dispensary committee not to be peremptory.

6. Where the guardians of any union or parish provide a dispensary for their union or parish, it shall not be necessary that a dispensary committee shall be appointed for such dispensary unless the guardians apply to the Poor Law Board to issue an order for that purpose and the Poor Law Board issue such order accordingly.

Where a dispensary is provided, guardians shall provide a place for the attendance of sick poor and medical officer.

7. If the guardians provide a place for the dispensing of medicines for the relief of the sick poor of the union or parish, or of a district therein, under the authority of any other Act than The Metropolitan Poor Act, 1867, they shall, if required by the Poor Law Board to do so, provide a proper room at such place where the medical officer of such union or parish, or of the district comprising such place, may see such of the sick poor as attend there for advice, and every medical officer of the union, parish, or district, as the case may be, shall, personally or by his authorized substitute, attend at that place during the times to be fixed for this purpose by the said guardians with the approval of the Poor Law Board.

If guardians refuse or neglect to provide a dispensary,

8. If the guardians of any union or parish, after being required by the said board to provide a dispensary under The Metropolitan Poor Act, 1867, or in such other manner as the said board shall prescribe, neglect or refuse to comply with such requisition, no

repayment shall be made from the metropolitan common poor fund to the guardians of such union or parish in respect of any medicine or medical or surgical appliances supplied by them to the poor of the union or parish, or in respect of the salaries of the medical officers of such union or parish, until the guardians provide a dispensary in conformity with the requisition of the Poor Law Board, from which time the right to such repayment shall again accrue.

no allowance to be made out of metropolitan common fund for medicines and medical officers' salaries.

9. No expenses of vaccination shall be repaid out of the said fund which shall have been incurred without the authority or without the approval of the Poor Law Board.

Vaccination expenses.

10. Where the expenditure of any union or parish in and about the relief of the poor during the three years ended at Lady Day one thousand eight hundred and sixty-nine shall have exceeded the average rate of *two shillings and sixpence* in the pound per annum on the rateable value of such union or parish, as ascertained for the basis of the contribution to the metropolitan common poor fund at Michaelmas one thousand eight hundred and sixty-eight, and the amount borrowed and expended by such union or parish from the passing of the Poor Law Amendment Act, 1834, to the passing of this Act in building or enlarging any workhouse or other place for the reception of any class of poor persons, or in the purchase of any land or building for such purpose, shall have exceeded *two shillings* in the pound on such rateable value, the payments in respect of the principal and interest of any sum so borrowed by the guardians, and hereafter accruing due, and the future contributions of such guardians to the general fund of any district (other than that of the metropolitan asylum district) in respect of monies borrowed by the managers of such district for the purpose of providing a school or asylum, as the case may be, or altering or enlarging the same, shall be repaid to the guardians from the metropolitan common poor fund.

Certain amount of the cost of buildings to be charged on the metropolitan common fund under special circumstances.

11. Words in this Act shall be construed in like manner as in The Metropolitan Poor Act, 1867, and The Poor Law Amendment Act, 1834, and subsequent Acts amending and extending the same, and the provisions contained in the said several Acts and not repealed shall, so far as they shall be consistent herewith, be extended to this Act.

Interpretation clause.

12. This Act shall, except where otherwise provided, apply to the metropolis only.

Act to apply to the metropolis.

13. This Act may be cited and described for all purposes as The Metropolitan Poor Amendment Act, 1869.

Title of the Act.

Metropolitan Poor Act (1867) Amendment.

A

B I L L

To amend The Metropolitan Poor Act, 1867.

(*Prepared and brought in by Mr. Goschen, Mr. Arthur Peel, and Mr. Ayrton.*)

Ordered, by The House of Commons, *to be Printed*, 16 *March* 1869.

[Bill 53.]

Under 1 *oz.*

A

B I L L

FOR

Amending the law relating to the Militia.

A.D. 1869.

WHEREAS it is expedient to make better provision for the united action of Her Majesty's regular forces and the militia at times when they are associated together for the purpose of training and exercise, and further to amend the law relating to the militia:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Militia when in training may be placed under command of general officer.

1. Her Majesty may exercise the same power of placing any regiment, battalion, or corps of militia called out for training and exercise under the command of general officers of the regular forces as Her Majesty now has under the forty-second George the Third, chapter forty-two, section one hundred and eleven, of placing any such regiment, battalion, and corps under such command when the militia is drawn out or embodied for actual service under the same statute.

Power to attach officers to militia regiments.

2. Her Majesty may upon the requisition of the Lord Lieutenant attach any officer of the regular forces to any regiment, battalion, or corps of militia during, and for the purpose of assisting in, the training and exercise thereof; and such officer while so attached shall obey the commands of the superior officers in the militia as his superior officers, and exercise all the power and authority of a militia officer in such regiment, battalion, or corps, but retain the same relative rank with respect to the officers of militia as an officer of Her Majesty's regular forces is entitled to according to the regulations of the service.

Abolition of property qualification for militia officers.

3. From and after the *passing of this Act*, an officer of the militia shall not be required to have any property qualification.

Volunteers not to claim discharge on ground of technical defects.

4. No militia volunteer who has, before or after the passing of this Act, received pay and been borne on the strength and pay list of any regiment of militia for one whole period of training and exercise, shall be entitled to claim his discharge on the ground of

A.D. 1869. error or illegality in his enrolment or re-enrolment, or on any ground whatsoever, but, on the contrary, every such volunteer shall be deemed to have been duly enrolled or re-enrolled, as the case may be.

Militia.

A

BILL

For amending the law relating to the Militia.

(*Prepared and brought in by Mr. Secretary Cardwell and Major Vivian.*)

Ordered, by The House of Commons, *to be Printed*, 15 *April* 1869.

[Bill 82.]

Under 1 *oz.*

A

B I L L

TO

Amend "The Militia (Ireland) Act, 1854," as to providing houses or places for the keeping of the arms, accoutrements, clothing, or other stores of the Militia when not embodied. A.D. 1869.

WHEREAS by an Act passed in the session of Parliament, holden in the Forty-ninth Year of the reign of His Majesty "King George the Third, intituled "An Act for amending and "reducing into one Act of Parliament the several laws for raising "and training the militia of Ireland," it was, amongst others, enacted that the arms, accoutrements, clothing, and other stores belonging to every regiment or battalion of militia in Ireland, when not embodied, should be kept in such convenient place within the county, county of a city, or town to which such regiment should belong as the colonel or other commandant of such regiment or battalion should direct, with the approbation of the Lord Lieutenant or other chief governor or governors of Ireland for the time being. Preamble. 49 Geo. III. c. 120. s. 38.

And whereas by "The Militia (Ireland) Act, 1854," it was, amongst others, enacted that all the provisions of the said Act of the forty-ninth year of King George the Third, and of any Act amending the same or otherwise applicable to the militia of Ireland, and not by the said Militia (Ireland) Act, 1854, repealed, should, subject to the provisions of the said last-mentioned Act, and so far as the same were not inconsistent therewith, extend and be applicable to the militia to be raised under the said Act, and to all the purposes thereof: 17 & 18 Vict. c. 107. s. 36.

And whereas by the said last-mentioned Act it was also enacted that the cost of providing any house or place for the keeping of arms, accoutrements, clothing, or other stores of the militia in each county or county of a city in Ireland, when not embodied, should be defrayed by such county or county of a city, in manner thereby directed:

[Bill 228.]

A.D. 1869.

And whereas it is expedient to amend the said Act, and to provide that in certain cases the arms, accoutrements, clothing, or other stores of the militia of any county, when not embodied, may be kept in any county of a city or town situate within or adjoining such county:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Arms, &c. of county regiments may be kept in county of a city situate within or adjoining such county.

1. The arms, accoutrements, clothing, and other stores belonging to any regiment or battalion of militia of any county in Ireland, when not embodied, may be kept in any house or place in any county of a city or town situate within or adjoining such county, if the colonel or commandant of such regiment or battalion shall consider such house or place to be more convenient for such purpose than any house or place within such county, and if after the grand jury of such county shall have signified their assent thereto, the Lord Lieutenant or other chief governor or governors of Ireland for the time being shall approve of such house or place; and the cost of providing such house or place shall be defrayed, and the sum necessary for that purpose shall be presented as if the same were situate within such county in the manner and subject to the conditions in the said Militia (Ireland) Act, 1854, in that behalf prescribed.

17 & 18 Vict. c. 107. and this Act to be read as one Act.

2. "The Militia (Ireland) Act, 1854," and this Act shall be read and construed together as one Act.

Short title.

3. This Act may be cited for all purposes as "Militia (Ireland) Act, 1869."

Militia (Ireland).

A

BILL

To amend "The Militia (Ireland) Act, 1854," as to providing houses or places for the keeping of the arms, accoutrements, clothing, or other stores of the Militia when not embodied.

(*Prepared and brought in by Mr. Chichester Fortescue and Mr. Attorney-General for Ireland.*)

Ordered, by The House of Commons, *to be Printed*, 20 *July* 1869.

[Bill 228.]

Under 1 *oz.*

A

B I L L

INTITULED

An Act to enable Military Offenders to be confined in Millbank Prison. A.D. 1869.

WHEREAS it is expedient to provide that military offenders subject to imprisonment may be confined in Millbank Prison:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title of Act.

1. This Act may be cited for all purposes as "The Millbank Prison Act, 1869."

Power to remove military prisoners.

2. From and after the passing of this Act any military prisoner may be sent, removed, or transferred to the Millbank Prison for the purpose of undergoing his sentence, by the same authority and in the same manner in and by which such prisoner might, for such purpose, in pursuance of the Mutiny Act, be sent to any public prison, or removed from one public prison to another, or transferred from a military prison to a public prison; subject, nevertheless, to the provisions of the Millbank Acts as to his freedom from any putrid or infectious distemper, or to his being examined and certified by the medical officer of the Millbank prison to be fit to be received into the same.

Any military prisoner sent, removed, or transferred to Millbank Prison in pursuance of this Act shall, during his continuance in such prison, be subject to the Millbank Acts, in the same manner as if he were a convict in the custody of the governor of the said prison in pursuance of the Millbank Acts; and the said prison shall be deemed to be a prison for the punishment of prisoners sent, removed, or transferred thereto in pursuance of this Act, as well as of convicts under sentence of penal servitude; and it shall be lawful for one of Her Majesty's Principal Secretaries of State to make regulations with respect to the treatment of military prisoners

A.D. 1869.

who may be confined in such prison, but, until such regulations are made, such prisoners shall be subject to the regulations for the time being applicable to convicts in such prison under sentence of penal servitude.

Discharge of military offender from Millbank.

3. Any military prisoner may be discharged from the Millbank prison or delivered over to military custody out of the Millbank prison, in the same manner and by the same authority in and by which he might be discharged or so delivered under the Mutiny Act from a public prison other than a military prison.

Interpretation of terms.

4. In the construction of this Act the term "Mutiny Act" shall mean any Act for the time being in force for punishing mutiny and desertion, and for the better payment of the army and their quarters:

The term "military prisoner" shall mean any person subject to imprisonment by or in pursuance of the sentence of any court-martial, passed either before or after the passing of this Act:

The term "Millbank Acts" shall mean and include any Act or Acts for the time being in force for regulating the Millbank Prison.

Millbank Prison. [H.L.]

A

BILL

INTITULED

An Act to enable Military Offenders to be confined in Millbank Prison.

(*Brought from the Lords* 3 *August* 1869.)

Ordered, by The House of Commons, *to be Printed*, 3 *August* 1869.

[Bill 258.]

Under 1 *oz.*

Mines Regulation Bill.

ARRANGEMENT OF CLAUSES.

Preliminary.

Clause.
1. Short title.
2. Extent of Act.
3. Commencement of Act.
4. Interpretation of terms.

I.—Mines in general.

Employment of Women and Children, &c.

5. Employment of women and children in mines.
6. Employment of male young persons in mines.
7. Employment of women, young persons, and children above ground about mines.
8. Register of male young persons employed in mines.
9. Employment of young persons under eighteen about engines.
10. Penalty for employment of persons contrary to Act.

II.—Wages.

11. Payment of wages at public houses, &c.
12. Payment of persons employed in mines by weight, &c.

III.—Coal and Ironstone Safety Mines.

13. Prohibition of single shafts.
14. Saving for existing exemptions.
15. Division of mines into districts.
16. Power to enforce compliance by injunction and penalty.
17. Agreements in contravention of Act illegal.
18. Regulations to be observed in coal and ironstone mines.

Special Rules.

19. Special rules.
20. Continuance of existing special rules.
21. Establishment of new special rules.
22. Objection of Secretary of State to special rules.

Clause.
23. Amendment of special rules.
24. Neglect of owner to make special rules.
25. Publication of rules.
26. Offences against rules.

Notices and Abandonment.

27. Notice of opening and abandonment of mine.
28. Fencing of abandoned mine.
29. Notice of accidents in mines to Secretary of State.

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B I L L

TO

Consolidate and amend the Acts relating to the Regulation and Inspection of Mines. A.D. 1869.

WHEREAS it is expedient to consolidate and amend the law relating to the regulation and inspection of mines:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

1. This Act may be cited as "The Mines Regulation Act, 1869." Short title.

2. This Act shall not apply to Ireland. Extent of Act.

3. This Act shall come into operation on the *first* of *September* one thousand eight hundred and sixty-nine, which date is in this Act referred to as the commencement of this Act. Commencement of Act.

4. In this Act, unless the context otherwise requires,— Interpretation of terms. 23 & 24 Vict. c. 151. s. 7.

The term "mine" includes mines of every description, and every shaft in the course of being sunk, and every level or inclined plane in the course of being driven for commencing or opening any mine, or for searching for or proving minerals, and all the works, machinery, tramways, and sidings in and about the mine, both below ground and above ground:

The term "coal and ironstone mine" means a mine (as above defined) of coal or of ironstone of the coal measures worked in connexion with coal or with any disused or exhausted coal mine:

The term "owner" means the immediate proprietor, or lessee, or occupier of any mine, or of any part thereof:

The term "agent" means any person having, on behalf of the owner, care or direction of any mine, or of any part thereof:

The term "Secretary of State" means one of Her Majesty's Principal Secretaries of State:

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The term "court" includes any justices, sheriff, sheriff substitute, and magistrate exercising jurisdiction with respect to matters in this Act.

I. MINES IN GENERAL.

Employment of Women and Children, &c.

Employment of women and children in mines. 5 & 6 Vict. c. 99. ss. 1–4. 23 & 24 Vict. c. 151. ss. 1, 2.

5. No child under the age of *twelve years*, and no woman above that age, shall be employed in or allowed to be for the purpose of employment in any mine below ground.

Employment of male young persons in mines.

6. No male young person under the age of *sixteen* and above the age of *twelve* years shall be employed in or allowed to be for the purpose of employment in any mine below ground during a period exceeding *twelve* hours in any twenty-four hours.

Employment of women, young persons, and children above ground about mines. 31 & 32 Vict. c. 146.

7. The provisions of the Workshops Regulation Act, 1867, shall extend to all women, young persons, and children employed above ground in connexion with any mine, in the same manner as if the place in which they are so employed were a workshop within the meaning of that Act.

Register of male young persons employed in mines.

8. The owner or agent of every mine shall keep at the principal office or at an office at or near the mine a register of all male young persons under the age of sixteen years who are employed in his mine below ground, specifying their name, age, residence, and date of first employment.

Such register shall be produced at all reasonable times for examination by an inspector under this Act.

Employment of young persons under 18 about engines. 5 & 6 Vict. c. 99. s 8. 23 & 24 Vict. c. 151. s. 4.

9. Where there is a vertical shaft or pit or an inclined or horizontal plane in any mine, whether for the purpose of an entrance to such mine or of a communication from one part to another part of such mine, and persons are taken up or down or along such vertical shaft or pit or inclined or horizontal plane by means of any engine, windlass, or gin, driven or worked by steam or any mechanical power, or by an animal, or by manual labour, a person shall not be allowed to have charge of such engine, windlass, or gin, or of any part of the machinery, ropes, chains, or tackle connected therewith, unless he is a male,

(*a*) if the engine, windlass, or gin is worked by steam or mechanical power, of at least *eighteen* years of age;

(*b*) if it is worked by an animal or by manual labour, of at least *fifteen* years of age.

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Where the engine, windlass, or gin is worked by an animal, the person under whose direction the driver of the animal acts shall, for the purposes of this section, be deemed to be the person in charge of the engine, windlass, or gin.

Penalty for employment of persons contrary to Act. 5 & 6 Vict. c. 99. s. 6.

10. If the owner or agent of any mine acts or permits any person to act in contravention of any provision of this Act with respect to the employment of women, young persons, or children, or to the register of male young persons, or to the employment of persons about any engine, windlass, or gin, he shall be guilty of an offence against this Act.

If it appears that a child or young person, or a person employed about an engine, windlass, or gin, was employed on the representation of his parent or guardian that he was above the age prescribed by this Act, and under the belief in good faith that he was above that age, the employer may be exempted from any penalty, and the parent or guardian, shall, for such misrepresentation, be deemed guilty of an offence against this Act.

II.—Wages.

Payment of wages at public houses, &c. 5 & 6 Vict. c. 99. ss. 10–12. 23 & 24 Vict. c. 151. s. 28.

11. With respect to the payment of wages to persons employed in or about any mine (including in the term wages all money paid in respect of labour or services done) the following regulations shall be observed by every owner and agent of such mine :

(1.) No wages or money in respect of wages shall be paid to any person at or within any public house, beer shop, or place for the sale of exciseable liquors, or other house of entertainment, or any office, garden, or place belonging or contiguous thereto, or occupied therewith :

23 & 24 Vict. c. 151. s. 28.

(2.) All wages and money in respect of wages payable to persons employed in or about any coal and ironstone mine shall be paid only in money by the immediate employer of such persons at an office which is appointed by him for the purpose, and is situate in conformity with the foregoing provisions of this section, and is notified in manner prescribed by the special rules of the mine :

(3.) No deduction shall be made from any wages or money in respect of wages for the cost of any timber used or any other expense incurred in propping the roof or side of any part of the mine.

Every person who acts or permits any person to act in contravention of this section shall be deemed guilty of an offence against this Act.

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Payment of persons employed in mines by weight, &c. 23 & 24 Vict. c. 151. s. 29.

12. Where the persons employed in any coal and ironstone mine are paid by the weight, measure, or gauge of the coal, ironstone, or other material gotten by them, such coal, ironstone, or other material shall be truly weighed, measured, or gauged accordingly.

The persons who are so employed may, at their own cost, station one of the persons for the time being employed in such mine at the place appointed for such weighing, measuring, or gauging, in order to take an account thereof, and to take an account of the weight, measure, or gauge used therein, on behalf of such persons by whom he is so stationed.

The person so stationed shall not be authorized in any way to impede or interrupt the working of the mine, or to interfere with the weighing, measuring, or gauging, but shall be authorized only to take such account as aforesaid, and the absence of such person shall not be a reason for interrupting or delaying such weighing, measuring, or gauging.

The inspector of weights and measures for the district appointed under the Act of the session of the fifth and sixth years of the reign of King William the Fourth, chapter sixty-three, "to "repeal an Act of the fourth and fifth year of His present Majesty "relating to weights and measures, and to make other provisions "instead thereof," may from time to time, but without unnecessarily impeding or interrupting the working of such mine, inspect the weighing machines, weights, measures, and gauges used for such mine, and examine the same in manner directed by the said Act, but he shall have due regard to the weights, measures, and gauges ordinarily used in such mine.

III.—Coal and Ironstone Mines.

Safety.

Prohibition of single shafts. 25 & 26 Vict. c. 79. s. 3.

13. After the commencement of this Act the owner or agent of a coal and ironstone mine shall not employ any person in such mine, or permit any person to be in such mine for the purpose of employment therein, unless there are in communication with every seam of such mine for the time being at work at least two shafts or outlets, separated by natural strata of not less than ten feet in breadth, by which shafts or outlets distinct means of ingress and egress are available to the persons employed in such seam, whether such two shafts or outlets belong to the same mine, or one or more of them belong to another mine.

Provided that such separation shall not be deemed incomplete by reason only that openings through the strata between the two

shafts or outlets have been made for temporary purposes of ventilation, drainage, or otherwise.

This section shall not apply to opening a new mine for the purpose of searching for or proving minerals, or to any working for the purpose of making a communication between two or more shafts, so long as not more than *twenty* persons are employed below ground at any one time in the whole of the different seams in connection with each shaft in such new mine or such working.

Saving for existing exemptions. 25 & 26 Vict. c. 79. s. 4.

14. Every award made in pursuance of any Act repealed by this Act, in consequence of which award an owner was exempted from the foregoing provision with respect to shafts or outlets, or was allowed time for providing the same, shall have the same effect as if it had been made in pursuance of like provisions in this Act.

Division of mines into districts.

15. Unless a mine be divided into separate districts or panels, in such manner that each separate district or panel has at least one independent intake (or passage for the supply of air to it from the downcast shaft or main air-way) and, at least, one independent return air-way (or passage for the current of air from the district or panel) to the main return or air-way or upcast shaft (at which is the exit for the return air), not more than *one hundred* persons shall be employed at the same time in such mine, or be in such mine for the purpose of employment therein.

Provided that—

(1.) The air for supplying two or more districts or panels may be taken together in one intake (or passage) for such distance from the shaft as may, upon application being made, be allowed by the Secretary of State :

(2.) The currents of air returning from two or more districts or panels may be allowed to join at such place as the Secretary of State may, upon application being made, consider desirable for the purpose of allowing such currents to mix before coming within reach of the flame of a ventilating furnace or otherwise.

Where a mine is divided into such separate districts or panels, not more than one hundred persons shall be employed, or be for the purpose of employment in any separate district or panel.

Power to enforce compliance by injunction and penalty. 25 & 26 Vict. c. 79. s. 6.

16. If any owner or agent acts in contravention of, or fails to comply with any of the foregoing provisions with respect to shafts, outlets, districts, and panels, he shall be guilty of an offence against this Act.

Any of Her Majesty's superior courts of law or equity, whether any other proceedings have or have not been taken, may, upon the

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application of the Attorney General acting on behalf of the Secretary of State, prohibit by injunction the working of any mine in which any person is employed, or is permitted to be for the purpose of employment, in contravention of the foregoing provisions with respect to shafts, outlets, districts, and panels, and may award such costs in the matter of the injunction as the court thinks just; but this section shall be without prejudice to any other remedy permitted by law for enforcing the provisions of this Act.

Agreements in contravention of Act illegal. 25 & 26 Vict. c. 79. s. 7.

17. No person shall be precluded by any agreement from doing such acts as may be necessary for providing a second shaft or outlet to a mine, or dividing the mine into districts or panels, where the same is required by this Act, or be liable under any agreement to any penalty or forfeiture for doing such acts as may be necessary in order to comply with the provisions of this Act with repect to shafts, outlets, districts, or panels.

Regulations to be observed in coal and ironstone mines. 23 & 24 Vict. c. 151. s. 10.

18. The following regulations shall be observed in every coal and ironstone mine by the owner and agent thereof:

(1.) An amount of ventilation shall be constantly produced in every coal and ironstone mine adequate to dilute and render harmless noxious gases to such an extent that the working places of the pits, levels, and workings of every such mine, and the travelling roads to and from such working places, shall be in a fit state for working and passing therein:

Provided that the court may dismiss any charge for acting in contravention of this rule, if satisfied that all reasonable precautions have been taken by the owner, agent, or person who is so charged:

(2.) All entrances to any place not in actual course of working and extension, and suspected to contain dangerous gas of any kind, shall be properly fenced across the whole width, so as to prevent access thereto:

(3.) In every working approaching any place where there is likely to be an accumulation of gas, no lamp or light shall be used other than a safety lamp:

(4.) Whenever safety lamps are required by these regulations or by the special rules (in this Act mentioned) to be used, they shall not be used until they have been first examined and securely locked by a competent person or persons duly authorized for this purpose:

(5.) In any mine or part of a mine in which safety lamps are required by the special rules to be used, no person shall use powder or other explosive or inflammable substance

for the purpose of blasting or of getting coal or ironstone, except to the extent and in the manner authorized by the special rules:

(6.) Where a place is likely to contain a dangerous accumulation of water the working approaching such place shall not exceed six feet in width, and there shall be constantly kept a sufficient distance, not being less than five yards in advance, at least one bore-hole near the centre of the working, and sufficient flank bore-holes on each side:

(7.) Every underground plane on which persons travel, which is self-acting or worked by an engine, windlass, or gin, shall be provided (if exceeding fifty yards in length), with some proper means of signalling between the stopping places and the ends of the plane, and shall be provided in every case at one side or the other of such plane, at intervals of not more than twenty yards, either with sufficient man-holes (or places of refuge) or with a space (for a place of refuge) of sufficient length and of at least three feet in width between the waggons running on the tramroad in the plane and one side or the other of the plane, which man-holes or space shall be constantly kept clear:

(8.) Every level or inclined plane where the load is drawn by a horse or other animal shall be provided, at one side or other of the plane, at intervals of not more than fifty yards, either with sufficient man-holes or with a space of sufficient length and of at least three feet in width between the waggons running on the tramroad in the plane and one side or the other of such plane, which man-holes or space shall be constantly kept clear:

(9.) Every shaft or pit which is out of use, or used only as an air pit, shall be securely fenced:

(10.) Every working and pumping pit or shaft shall be properly fenced, but this shall not be taken to forbid the temporary removal of the fence for the purpose of repairs or other operations, if proper precautions are used:

(11.) Every working and pumping pit or shaft where the natural strata are not safe shall be securely cased or lined or otherwise made secure:

(12.) Every working pit or shaft shall be provided with some proper means of communicating distinct and definite signals from the bottom of the shaft to the surface, and from the surface to the bottom of the shaft:

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(13.) A sufficient cover overhead shall be used when lowering or raising persons in every working pit or shaft, except where it is worked by a windlass or gin, or where the person is employed about the pump or work of repair in the shaft, or where a written exemption is given by the inspector of the district:

(14.) A single linked chain shall not be used for lowering or raising persons in any working pit or shaft except for the short coupling chain attached to the cage or load:

(15.) There shall be attached to the drum of every machine used for lowering or raising persons flanges or horns projecting sufficiently to prevent the rope from slipping off the drum:

(16.) There shall be attached to every machine worked by steam, water, or mechanical power, and used for lowering or raising persons, an adequate break, and also a proper indicator (in addition to any mark on the rope) which shows to the person who works the machine the position of the cage or load in the pit or shaft:

(17.) Every part of the machinery used in or about the mine near to which persons are liable to be employed or to pass in the course of their employment in or about the mine, and which may be dangerous to such persons, shall be securely fenced so far as practicable:

(18.) Every steam boiler shall be provided with a proper steam gauge and water gauge, to show respectively the exact pressure of steam and the exact height of water in the boiler and with a proper safety valve:

(19.) A barometer and thermometer shall be placed above ground in a conspicuous position near the entrance to the mine.

If the owner or agent of a coal and ironstone mine acts in contravention of any of the foregoing regulations he shall be guilty of an offence against this Act.

Observance of regulations by workmen and others.

19. If any person does any of the following things; namely,

(1.) Being in any place where a safety lamp is required by this Act or by the special rules to be used, unlocks or wilfully damages any safety lamp, or uses any safety lamp which he knows to be defective;

(2.) Wilfully damages or without proper authority removes any fence, fencing, or casing provided in compliance with this Act;

(3.) Wilfully damages, or without proper authority removes or renders useless any means of signalling, signal

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cover, chain, flange, horn, break, indicator, steam gauge, water gauge, safety valve, barometer or thermometer, or other thing in any coal and ironstone mine provided in pursuance of this Act;

(4.) Places anything in any place of refuge so as to prevent proper access thereto;

(5.) Fails to observe such directions with respect to working as may be given to him with a view to comply with the regulations respecting working contained in this Act or in the special rules;

he shall be guilty of an offence against this Act.

Special Rules.

Special rules. 25 & 26 Vict. c. 151. s. 11.

19. There shall be established in every coal and ironstone mine such rules (referred to in this Act as special rules) for the conduct and guidance of the persons acting in the management of such mine or employed in or about the same as, under the particular state and circumstances of such mine, may appear best calculated to prevent dangerous accidents, and to provide for the safety of the persons employed in or about the mine, and such special rules, when established, shall be observed in and about every such mine by whomsoever worked, in the same manner as if they were enacted in this Act.

Continuance of existing special rules. 25 & 26 Vict. c. 151. s. 12.

20. The special rules which at the commencement of this Act are in force, under any Act hereby repealed, in any coal and ironstone mine, shall continue to be the special rules therein, and shall be of the same force and subject to be amended in the same manner as if they were established under this Act.

Establishment of new special rules. 25 & 26 Vict. c. 151. s. 13.

21. The owner or agent of every coal and ironstone mine in which special rules are not in force at the commencement of this Act shall frame and transmit to the inspector of the district, for approval by the Secretary of State, special rules for such mine within three months after the commencement (whether before or after the commencement of this Act) of any workings for the purpose of opening a new mine or of renewing the working of an old mine.

The special rules, during *two* weeks before being transmitted to the inspector, shall be posted up in the manner provided in this Act respecting the publication of special rules for the information of persons employed in the mine, and a certificate that they have been so posted up, signed by the owner or agent, shall be sent to the inspector with the special rules.

If the rules are not objected to by the Secretary of State within

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forty days after their receipt by the inspector, they shall be established.

Objection of Secretary of State to special rules. 23 & 24 Vict. c. 151. s. 13.

22. If the Secretary of State is of opinion that the special rules so transmitted, or any of them, do not sufficiently provide for the prevention of dangerous accidents in the mine, and for the safety of the persons employed in or about the mine, he may, within forty days after the special rules are received by the inspector, object to the rules, and propose to the owner or agent in writing any modifications in the rules by way either of alteration, substitution, or addition.

If the owner or agent do not within twenty days after the modifications proposed by the Secretary of State are received by him, object in writing to them, the special rules, with such modifications, shall be established.

If the owner or agent sends his objection in writing within the said twenty days to the Secretary of State, the matter shall be referred to arbitration, and the date of the receipt of such objection by the Secretary of State shall be deemed to be the date of the reference.

The rules shall be established as settled by an award on arbitration.

Amendment of special rules. 23 & 24 Vict. c. 151. s. 14.

23. After special rules are established the owner or agent of the mine may from time to time propose in writing to the inspector of the district, for the approval of the Secretary of State, any amendment of such rules or any new special rules, and the provisions of this Act with respect to the original special rules shall apply to all such amendments and new rules in like manner, as near as may be, as they apply to the original rules.

The Secretary of State may from time to time propose in writing to the owner or agent of the mine any amendment to the special rules or any new special rules, and the provisions of this Act with respect to a proposal of the Secretary of State for modifying the special rules transmitted by the owner or agent of a mine shall apply to all such amendments and new special rules in like manner, as near as may be, as they apply to such proposal.

Neglect of owner to make special rules.

24. If the owner or agent of any coal and ironstone mine fail within the time limited by this Act to transmit to the inspector for the approval of the Secretary of State special rules for his mine, he shall be guilty of an offence against this Act.

Publication of rules.

25. For the purpose of making known the special rules and the provisions of this Act to all persons employed in and about each

coal and ironstone mine, an abstract of the Act provided by the Secretary of State, and an entire copy of the special rules shall be published as follows: A.D. 1869. 23 & 24 Vict. c. 151. s. 15.

(1.) The owner or agent of such mine shall cause such abstract and rules to be posted up on a board in easily legible characters, in some conspicuous place at or near the mine, and at the place where the persons employed immediately by the owner or agent are paid; and so often as the same become defaced, obliterated, or destroyed, shall cause them to be renewed with all reasonable despatch:

(2.) The owner or agent shall supply a printed copy of the abstract and special rules gratis to each person employed in or about the mine who applies for such copy at the office at which the persons immediately employed by such owner or agent are paid:

If any owner or agent fail to act in compliance with this section he shall be guilty of an offence against this Act.

Every person who pulls down, injures, or defaces any abstract or rules posted up in pursuance of this section, or any notice posted up in pursuance of the special rules, shall be guilty of an offence against this Act.

26. If the owner or agent of any coal and ironstone mine, or any person employed in or about such mine, acts in contravention of the special rules established for such mine, he shall be guilty of an offence against this Act. Offences against rules. 23 & 24 Vict. c. 151. s. 22.

Notices and Abandonment.

27. In any of the following cases, viz.:— Notice of opening and abandonment of mine. 23 & 24 Vict. c. 151. s. 21.

(1.) Where any working is commenced for the purpose of opening a new coal and ironstone mine;

(2.) Where the working of any coal and ironstone mine is recommenced after any abandonment or discontinuance which has existed for a period exceeding two months;

(3.) Where any coal and ironstone mine is abandoned or the working thereof discontinued;

the owner or agent of such working or mine shall give notice thereof to the inspector of the district within two months after such commencement, recommencement, abandonment, or discontinuance, and if the owner or agent fail to give such notice he shall be guilty of an offence against this Act.

28. Where any coal and ironstone mine is abandoned or the working thereof discontinued, the owner thereof shall cause the Fencing of abandoned mine.

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23 & 24 Vict. c. 151. s. 21.

same to be and to be kept securely fenced for the prevention of accidents.

If any person fail to act in conformity with this section, he shall be guilty of an offence against this Act.

Notice of accidents in mines to Secretary of State.
23 & 24 Vict. c. 151. s. 19.

29. Where in any coal and ironstone mine or any pits or shafts thereof, or any works above or below ground connected with such mine pits or shafts, either

(1.) loss of life or any personal injury to any person employed in or about the mine occurs by reason of any explosion of gas, powder, or explosive substance or of any steam boiler; or

(2.) loss of life or any serious personal injury to any person employed in or about the mine occurs by reason of any accident whatever,

the owner or agent of the mine shall, within twenty-four hours next after the explosion or accident, send notice in writing of the explosion or accident and of the loss of life or personal injury occasioned thereby to the inspector of the district, and shall specify in such notice the probable cause of the explosion or accident, and the number of persons killed and injured respectively.

Where any personal injury, of which notice is required to be sent under this section, results in the death of the person injured, notice in writing of the death shall be sent to the inspector of the district within twenty-four hours after such death comes to the knowledge of the owner or agent.

Every owner and agent who fails to act in compliance with this section shall be guilty of an offence against this Act.

Arbitration.

Provisions as to arbitrations.
Cf. 23 & 24 Vict. c. 151. s. 13.

30. With respect to arbitrations under this Act, the following provisions shall have effect:

(1.) The parties to the arbitration are in this section deemed to be the owner or agent of the mine on the one hand, and the inspector of mines (on behalf of the Secretary of State) on the other:

(2.) Each of the parties to the arbitration may, within twenty-one days after the date of the reference, appoint an arbitrator:

(3.) No person shall act as arbitrator or umpire under this Act who is employed in or in the management of or is interested in the mine to which the arbitration relates:

(4.) The appointment of an arbitrator under this section shall be in writing, and notice of the appointment shall be forthwith sent to the other party to the arbitration, and shall not be revoked without the consent of such other party;

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(5.) If the owner dies all proceedings under this section shall be determined:

(6.) If within the said twenty-one days either of the parties fail to appoint an arbitrator, the arbitrator appointed by the other party may proceed to hear and determine the matter in difference, and in such case the award of the single arbitrator shall be final:

(7.) If before an award has been made any arbitrator appointed by either party die or become incapable to act, or for fourteen days refuse or neglect to act, the party by whom such arbitrator was appointed may appoint some other person to act in his place; and if he fail to do so within fourteen days after notice in writing from the other party to that purpose, the remaining arbitrator may proceed to hear and determine the matters in difference, and in such case the award of such single arbitrator shall be final:

(8.) In either of the foregoing cases where an arbitrator is empowered to act singly, upon one of the parties failing to appoint, the party so failing may, before the single arbitrator has actually proceeded in the arbitration, appoint an arbitrator, who shall then act as if no failure had been made:

(9.) If the arbitrators fail to make their award within twenty-one days after the day on which the last of them was appointed, or within such extended time (if any) as may have been appointed for that purpose by both arbitrators under their hands, the matter in difference shall be determined by the umpire appointed as herein-after mentioned:

(10.) The arbitrators, before they enter upon the matters referred to them, shall appoint by writing under their hands an umpire to decide on points on which they may differ:

(11.) If the umpire die or become incapable to act before he has made his award, or refuses to make his award within a reasonable time after the matter has been brought within his cognizance, the persons or person who appointed such umpire shall forthwith appoint another umpire in his place:

(12.) If the arbitrators fail or refuse or for seven days after the request of either party neglect to appoint an umpire, then on the application of either party an umpire shall be appointed in England by the chairman of the general or quarter sessions of the peace in and for the county,

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riding, or division in which the mine is situate, and in Scotland by the sheriff of the county or division of the county in which the mine is situate:

(13.) The decision of every umpire on the matters referred to him shall be final:

(14.) If a single arbitrator fail to make his award within twenty-one days after the day on which he was appointed the party who appointed him may appoint another arbitrator to act in his place:

(15.) The arbitrators and their umpire or any of them may examine the parties and their witnesses on oath, they may also consult any counsel, engineer, or scientific person whom they may think it expedient to consult:

(16.) The payment, if any, to be made to any arbitrator or umpire for his services shall be fixed by the Secretary of State, and together with the costs of the arbitration shall be paid in equal moieties by the owner of the mine to which the arbitration relates and by the Secretary of State. The share of the Secretary of State shall be paid as part of the expenses of inspectors under this Act. The share payable by the owner may in the event of nonpayment be recovered in the same manner as penalties under this Act.

IV.—Inspection.

Appointment of inspectors of mines.
5 & 6 Vict. c. 99. s. 3.
23 & 24 Vict. c. 151. s. 8.

31. The Secretary of State may from time to time appoint any fit persons to be inspectors of mines, and assign them their duties, and may award them such salaries as the Commissioners of Her Majesty's Treasury may approve, and may remove such inspectors.

Notice of the appointment of every such inspector shall be published in the London Gazette.

Such inspectors are referred to in this Act as an inspector, and the inspector of a district means the inspector who is for the time being assigned to the district or portion of Great Britain with reference to which the term is used.

Disqualification of persons as inspectors.
23 & 24 Vict. c. 151. s. 9.

32. Any person who practises or acts as a land agent, or as a manager, viewer, or agent, or mining engineer, or valuer of mines, or arbitrator in any differences arising between owners of mines, or is otherwise employed in or about any mine, shall not act as an inspector of mines under this Act.

Powers of inspectors.
5 & 6 Vict. c. 99. ss. 3, 5.
23 & 24 Vict. c. 151. ss. 16, 23.

33. An inspector under this Act shall have power to do all or any of the following things; namely,

(1.) To enter, inspect, and examine any mine, and the works and machinery belonging thereto, at all reasonable times by

day and night, but so as not to impede or obstruct the working of the said mine:

(2.) To examine into and make inquiry respecting the state and condition of any mine, and the works and machinery connected therewith, and (in the case of a coal and ironstone mine) the ventilation of the mine, and the mode of lighting or using lights in the same, and all matters and things connected with or relating to the safety of the persons employed in or about the coal and ironstone mine:

(3.) To make such examination and inquiry as may be necessary to ascertain whether the provisions of this Act relating to matters above ground or below ground are complied with in the case of any mine:

(4.) To exercise such other powers as are conferred by any part of this Act, or as may be necessary for carrying this Act into effect.

Every person who wilfully obstructs any inspector in the execution of this Act, and every owner and agent who refuses or neglects to furnish to the inspector the means necessary for making any entry, inspection, examination, or inquiry under this Act, shall be guilty of an offence against this Act.

Notice by inspectors of causes of danger not provided for by the rules. 23 & 24 Vict. c. 151. s. 17.

34. If in any respect (which is not provided against by any express provision of this Act, or by any special rule) any inspector find any coal and ironstone mine, or any part thereof, or any matter, thing, or practice in or connected with any such mine, to be dangerous or defective, so as in his opinion to threaten or tend to the bodily injury of any person, such inspector may give notice in writing thereof to the owner or agent of the mine, and shall state in such notice the particulars in which he considers such mine, or any part thereof, or any matter, thing, or practice, to be dangerous or defective, and require the same to be remedied. The inspector shall also report the same to the Secretary of State.

If the owner or agent of the mine objects to remedy the matter complained of in the notice he may, within twenty days after the receipt of such notice, send his objection in writing, stating the grounds thereof, to the Secretary of State; and thereupon the matter shall be determined by arbitration in manner provided by this Act; and the date of the receipt of such objection shall be deemed to be the date of the reference.

If the owner or agent fail to comply either with the requisition of the notice, where no objection is sent within the time aforesaid, or with the award made on arbitration within twenty days after

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the expiration of the time for objection or the time of making of the award (as the case may be), he shall be guilty of an offence against this Act, and the notice and award shall respectively be deemed to be written notice of such offence:

Provided that the court, if satisfied that the owner or agent has taken active measures for remedying the same, but has not, with reasonable diligence, been able to complete the works, may adjourn any proceedings taken before them for punishing such offence, and, if the works are completed within a reasonable time, shall not inflict any penalty.

Maps and plans of mine. 23 & 24 Vict. c. 151. s. 18.

35. The owner or agent of every coal and ironstone mine shall keep an accurate map or plan of the workings of such mine, showing the workings up to at least six months previously.

The owner or agent shall produce to an inspector under this Act, at the mine, such map or plan, and shall, if requested by the inspector, mark on such map or plan the progress of the workings of the mine up to the time of such production, and shall allow the inspector to examine the same; but the inspector is not hereby authorized to make a copy of any part of such map or plan.

If the owner or agent refuses to produce and allow to be examined such map or plan, or withholds any portion of any map or plan, or conceals any part of the workings of his mine, or produces an imperfect or inaccurate map or plan, he shall be guilty of an offence against this Act; and, further, the inspector may, by notice in writing, (whether a penalty for such offence has or has not been inflicted,) require the owner or agent to cause an accurate map or plan, such as is prescribed by this section, to be made within a reasonable time, at the expense of the owner of the mine, on a scale of not less than two chains to one inch, or on such other scale as the plan then used in the mine is constructed on.

If the owner or agent fail within twenty days after the requisition of the inspector to make or cause to be made such map or plan, he shall be guilty of an offence against this Act.

Maps of abandoned mines.

36. Where any coal and ironstone mine is abandoned, or the working thereof discontinued, the owner of such mine shall, within three months after such abandonment or discontinuance, send to the Secretary of State an accurate map or plan showing the workings and boundaries of such mine up to the time of the abandonment or discontinuance, or a copy of such map or plan, with the view of its being preserved under the care of the Secretary of State, but no person shall be entitled to see such map, plan, or copy when so sent until after the lapse of twenty years from the date of such abandonment or discontinuance, without the consent of the owner of the mine.

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37. Every inspector under this Act shall make an annual report of his proceedings during the preceding year to the Secretary of State, which report shall be laid before both Houses of Parliament.

Report of inspector. 23 & 24 Vict. c. 151. s. 27.

V. Supplemental.

Coroners.

38. With respect to coroners' inquests on deaths arising from explosions or accidents in coal and ironstone mines, the following provisions shall have effect:

Adjournment of coroners' inquests on deaths from accidents in mines. Cf. 23 & 24 Vict. c. 151. s. 20.

(1.) Where a coroner holds an inquest upon a body of any person whose death may have been caused by any explosion or accident, of which notice is required by this Act to be given to the inspector, the coroner shall adjourn such inquest unless an inspector, or some person on behalf of the Secretary of State, is present to watch the proceedings.

(2.) The coroner, at least four days before holding the adjourned inquest, shall send to the inspector for the district notice in writing of the time and place of holding the adjourned inquest.

(3.) The coroner, before the adjournment, may take evidence to identify the body, and may order the interment thereof.

(4.) If an explosion or accident has not occasioned more than one death, and the coroner has sent to the inspector of the district notice of the time and place of holding the inquest not less than forty-eight hours before the time of holding the same, it shall not be imperative on him to adjourn such inquest in pursuance of this section if the majority of the jury think it unnecessary so to adjourn.

(5.) An inspector shall be at liberty at any such inquest to examine any witness, subject nevertheless to the order of the coroner.

(6.) Where evidence is given at an inquest at which an inspector is not present of any neglect as having caused or contributed to the explosion or accident, or of any defect in or about the mine appearing to require a remedy, the coroner shall send to the inspector of the district notice in writing of such neglect or default.

(7.) Any person having a personal interest in, or employed in or in the management of any mine in which an explosion or accident has occurred shall not be qualified to serve on the jury by whom the inquest is held, and it shall be the

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duty of the coroner and constable or other officer not to summon any person disqualified under this provision, or allow any such person to be sworn or to sit on the jury.

Penalties.

Penalty for offences against Act.

39. Every owner and every agent who is guilty of an offence against this Act shall be liable to a penalty not exceeding *twenty* pounds for each offence, and if the inspector has given a written notice of the offence, to a further penalty not exceeding *one* pound for every day after such notice that such offence continues to be committed.

Every person other than aforesaid employed in or about a mine, who is guilty of an offence against this Act, or is guilty of any act or omission which in the case of an owner or agent would be an offence against this Act, shall be liable, in the discretion of the court, to a penalty not exceeding *two* pounds, or to imprisonment, with or without hard labour, for a period not exceeding *three* months.

Every person who is guilty of any contravention of or non-compliance with any provision of this Act, which contravention or non-compliance is not expressly declared to be an offence, shall be liable to a penalty not exceeding *twenty* pounds for each offence.

Summary proceedings for offences, penalties, &c. 23 & 24 Vict. c. 151. s. 25.

40. Any offence and penalty under this Act,—and any money and costs by this Act directed to be recovered as a penalty is recoverable under this Act,—may be prosecuted, and recovered, within three months after the commission of the offence, as follows:—

In England, before two justices of the peace in manner directed by the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, intituled "An Act to facilitate the performance of the duties of "justices of the peace out of sessions within England and "Wales with respect to summary convictions and orders," and any Act amending the same.

27 & 28 Vict. c. 53.

In Scotland, in manner directed by The Summary Procedure Act, 1864.

Qualification of justices. 23 & 24 Vict. c. 151. s. 22.

41. A person who is the owner or agent of any mine, or the father, son, or brother of such owner or agent, shall not act as a justice of the peace, sheriff, or magistrate in any case relating to such mine, or to the persons employed therein.

Application of penalties.

42. Where a penalty is imposed under this Act for neglecting to send a notice of any explosion or accident or for any offence against

this Act which has occasioned loss of life or personal injury, the Secretary of State may (if he think fit) direct such penalty to be paid to or distributed among the person or persons injured, or the relatives of any person or persons whose death may have been occasioned by such explosion, accident, or offence. A.D. 1869. 23 & 24 Vict. c. 151. s. 25.

Provided that—

(1.) Such person or persons did not in his opinion occasion or contribute to occasion the explosion or accident, and did not commit and was not a party to committing the offence;

(2.) The fact of such payment or distribution shall not in any way affect or be receivable as evidence in any legal proceeding relative to or consequential on such explosion, accident, or offence;

Save as aforesaid, all penalties imposed in pursuance of this Act shall be paid into the receipt of Her Majesty's Exchequer, and shall be carried to the Consolidated Fund.

Miscellaneous.

43. An inspector under this Act shall, when required, certify a copy which is shown to his satisfaction to be a true copy of any special rules, which, for the time being, are established under this Act in any coal and ironstone mine, and a copy so certified shall be evidence (but not to the exclusion of other proof) of such special rules and of the fact that they are duly established under this Act. Certified copy of special rules. 23 & 24 Vict. c. 151. s. 26.

44. All notices under this Act shall be in writing or print, or partly in writing and partly in print, and all notices and documents required by this Act to be served or sent may be either delivered personally or served and sent by post, by a prepaid letter, and, if sent by post, shall be deemed to have been served and received respectively at the time when the letter containing the same would be delivered in the ordinary course of post, and in proving such service or sending it shall be sufficient to prove that the letter containing the notice was properly addressed and put into the post. Notices may be served by post.

45. The persons who at the commencement of this Act are acting as inspectors under the Acts hereby repealed shall continue to act in the same manner as if they had been appointed under this Act. Existing inspectors.

46. The Acts described in the Schedule to this Act are hereby repealed. Repeal.

Provided that this repeal shall not affect anything done or suffered before the commencement of this Act, and all offences

committed and penalties incurred before the commencement of this Act may be punished and recovered in the same manner as if this Act had not passed.

SCHEDULE.

Date of Act.	Title of Act.
5 & 6 Vict. c. 99. -	An Act to prohibit the employment of women and girls in mines and collieries to regulate the employment of boys, and to make other provisions relating to persons working therein.
23 & 24 Vict. c. 151.	An Act for the regulation and inspection of mines.
25 & 26 Vict. c. 79. -	An Act to amend the law relating to coal mines.

Mines Regulation.

A

B I L L

To consolidate and amend the Acts relating to the Regulation and Inspection of Mines.

(Prepared and brought in by Mr. Secretary Bruce and Mr. Knatchbull-Hugessen.)

Ordered, by The House of Commons, *to be Printed,* 15 *April* 1869.

[Bill 84.] *Under* 3 *oz.*

A

B I L L

TO

Shorten the Term of Residence required as a Qualification for the Municipal Franchise.

A.D. 1869.

WHEREAS it is expedient to shorten the term of occupation and residence required as a qualification for the Municipal Franchise:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; that is to say,

Sect. 9. of 5 & 6 W. 4. c. 76. repealed.

1. The ninth section of the Act of the session of the fifth and sixth years of King William the Fourth, chapter seventy-six, shall be repealed, and instead thereof be it enacted, that every male person of full age who on the *last day* of *July* in any year shall have occupied any house, warehouse, counting-house, shop, or other building within any borough during the whole of the preceding *twelve calendar months*, and also during the time of such occupation shall have been an inhabitant householder within the said borough, or within *seven* miles of the said borough, shall, if duly enrolled in that year according to the provisions contained in the said Act of the session of the fifth and sixth years of King William the Fourth, chapter seventy-six and the Acts amending the same, be a burgess of such borough and member of the body corporate of the mayor, aldermen, and burgesses of such borough: Provided that no such person shall be so enrolled in any year unless he shall have been rated in respect of such premises so occupied by him within the borough to all rates made for the relief of the poor of the parish wherein such premises are situated during the time of his occupation as aforesaid, and unless he shall have paid on or before the *twentieth day* of *July* as aforesaid all such rates, including therein all borough rates, if any, directed to be paid under the provisions of the said Acts, as shall have become payable by him in respect of the said premises

One year's occupation to entitle male persons to Municipal Franchise.

A.D. 1869.

up to the preceding *fifth day* of *January*: Provided also, that the premises in respect of the occupation of which any person shall have been so rated need not be the same premises or in the same parish, but may be different premises in the same parish or in different parishes: Provided also, that no person being an alien shall be so enrolled in any year, and that no person shall be so enrolled in any year who, within *twelve calendar months* next before the said last day of July, shall have received parochial relief or other alms or any pension or charitable allowance from any fund intrusted to the charitable trustees of such borough in the said Act mentioned; provided that the distance of *seven* miles shall be measured in the manner directed by section seventy-six of the Act of the session of the sixth and seventh years of Queen Victoria, chapter eighteen.

Saving rights under existing burgess roll.

2. Nothing in this Act contained shall affect any existing burgess roll, but the same shall continue in force until the first day of November one thousand eight hundred and sixty-nine.

Act to be construed with 5 & 6 W. 4. c. 76.

3. This Act shall be construed as one with the said Act of the session of the fifth and sixth years of King William the Fourth, chapter seventy-six, and the Acts amending the same, except so far as the same are altered or repealed by this Act, and the words used in this Act shall have the same meaning as in the said Acts.

Extent of Act.

4. This Act shall not apply to Scotland or Ireland.

Municipal Franchise.

A

B I L L

To shorten the Term of Residence required as a Qualification for the Municipal Franchise.

(*Prepared and brought in by Mr. Hibbert, Mr. Hodgkinson, and Mr. Candlish.*)

Ordered, by The House of Commons, *to be Printed*, 15 *April* 1869.

[Bill 85.]

Under 1 *oz.*

A

BILL

TO

Equalize the Money Laws of England and Ireland by extending to Ireland the provisions of the Act seventh George the Fourth, chapter six, "to prohibit the issuing of Promissory "Notes under a limited sum." A.D. 1869.

WHEREAS it is expedient to equalize the Money Laws of England and Ireland, by prohibiting after a certain period the issuing of Promissory Notes under a limited sum in Ireland: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Penalty on issuing Promissory Notes under certain amounts.

1. That if any body politic or corporate, or any person or persons, shall, on or after the *first day of July one thousand eight hundred and sixty-nine*, make, sign, issue, or reissue in Ireland any Promissory Note payable on demand to the bearer thereof for any sum of money less than two pounds, or shall, on or after the *first day of October one thousand eight hundred and sixty-nine*, make, sign, issue, or reissue as aforesaid any such Promissory Note for less than three pounds, or shall, on or after the *first day of January one thousand eight hundred and seventy*, make, sign, issue, or reissue as aforesaid any such Promissory Note for less than five pounds, then and in either of such cases any such body politic or corporate, or person or persons, so making, signing, issuing, or reissuing any such Promissory Note as aforesaid shall for every such note so made, signed, issued, or reissued forfeit the sum of *twenty pounds*.

Recovery and application of penalties.

2. The penalties which shall or may be incurred under the provisions of this Act may be sued for, recovered, levied, mitigated, and applied in such and the same manner as any other penalties imposed by any of the laws now in force relating to the duties under the management of the Commissioners of Inland Revenue.

Money Laws (Ireland).

A

BILL

To equalize the Money Laws of England and Ireland by extending to Ireland the provisions of the Act seventh George the Fourth, chapter six, "to "prohibit the issuing of Promissory "Notes under a limited sum."

(*Prepared and brought in by Mr. Delahunty, Mr. Blake, and Mr. Dawson.*)

Ordered, by The House of Commons, *to be Printed,* 23 *February* 1869.

[Bill 16.]

Under 1 *oz.*

Municipal Corporations (Metropolis) Bill.

ARRANGEMENT OF CLAUSES.

Clauses.

1. Interpretation.
2. The metropolis to be divided into municipal boroughs.
3. Contents of the several boroughs.
4. Boundaries of boroughs.
5. Boundaries of wards.
6. The corporation: mayor, aldermen, and burgesses.
7. Westminster: mayor, aldermen, and citizens.
8. The council.
9. Municipal Corporations Acts to apply.
10. Number of councillors.
11. First elections.
12. Who to vote at first elections.
13. Notice of first elections.
14. Provisions of Metropolis Local Management Act to apply to first elections of councillors.
15. Provisions of Municipal Corporations Acts to apply to all other elections.
16. Boroughs under Act to have justices of the peace.
17. Borough justices under Act to have licensing powers as other borough justices.
18. Every borough to have salaried police magistrates.
19. Present metropolitan police courts to be police courts of new boroughs.
20. Additional police court for Marylebone borough.
21. Boroughs to form police court divisions.
22. Borough police courts to be deemed metropolitan police courts.
23. Appeal from borough police magistrates.
24. Certain provisions of Municipal Corporations Acts as to salaried magistrates to apply only to additional magistrates.
25. Every borough to be police division.
26. As to watch committee and police clauses of Municipal Corporations Acts.
27. Borough rate may be raised for any purpose authorized by Act.

Clauses.

28. Expenses of Act may be raised out of borough rate.
29. Town halls may be provided.
30. Power to churchwardens and others to transfer charitable funds to borough councils.
31. Councils to have duties and powers of vestries and district boards under Metropolis Local Management Acts.
32. Powers and provisions of Municipal Corporations Acts to be ancillary to those of Metropolis Local Management Acts.
33. Councils to have duties and powers of commissioners, &c. under Local Acts.
34. Property vested in vestries, &c. to be transferred to councils.
35. Existing contracts, &c. to remain valid.
36. Existing commissioners, &c. continued till Act comes into operation.
37. Existing debts and liabilities to be discharged.
38. As to rates made before Act coming into operation.
39. Savings, &c. applicable to vestries, &c. to apply to councils.
40. Compensations to be under Municipal Corporations Acts.
41. Councils may adopt parts of Towns Improvement Clauses Act and Local Government Acts, &c.
42. Saving clauses of Metropolis Local Management Act to apply.
43. Saving as to metropolis police commissioners.
44. City of London not to be affected.
45. Powers, &c. of Metropolitan Board of Works not to be abridged.
46. Inns of court, &c. not to be affected further than by the Metropolis Local Management Acts.
47. Boundaries of parliamentary boroughs and electoral franchise not to be affected.
48. Repeal of inconsistent Acts.
49. Provisions of local Acts may be varied by Her Majesty's order in council.
50. Differences between councils, &c. to be referred to arbitration.
51. Provision for creating new boroughs under Act.
52. Commencement of Act.
53. Short title.

SCHEDULES.

A

B I L L

TO

Provide for the establishment of Municipal Corporations within the Metropolis.

A.D. 1869.

WHEREAS it is expedient to extend municipal institutions throughout the metropolis: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Interpretation.

1. The following terms and expressions shall have in this Act the meanings hereby respectively assigned to them, except so far as the subject or the context shall be repugnant to such construction; (that is to say,)

The expression "the Municipal Reform Act" shall mean the Act of the fifth and sixth years of the reign of His late Majesty King William the Fourth, chapter seventy-six, to provide for the regulation of municipal corporations in England and Wales:

The expression "the Municipal Corporations Acts" shall include the Municipal Reform Act, and all Acts amending the same, and all other Acts and parts of Acts in force for the regulation of municipal corporations in England and Wales, or in relation thereto:

The term "municipal borough" shall mean a borough within the intendment of the Municipal Corporations Acts:

The expression "The Metropolis Local Management Act, 1855," shall mean the Act of the eighteenth and nineteenth years of the reign of Her present Majesty, chapter one hundred and twenty, for the better local management of the metropolis:

The expression "the Metropolis Local Management Acts" shall include "The Metropolis Local Management Act, 1855," and all Acts amending the same:

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The expression "the Metropolitan Board of Works" shall apply to and include any council, board, corporation, or body which by authority of Parliament may hereafter become invested with the duties, powers, and authorities now vested in the Metropolitan Board of Works:

The expression "the Metropolitan Police Acts" shall include the Act of the tenth year of the reign of His late Majesty King George the Fourth, chapter forty-four, for improving the police in and near the metropolis, and all Acts amending the same, and all other Acts and parts of Acts in force for the regulation of the metropolitan police or metropolitan police courts, or in relation thereto respectively:

The words "district," "vestry," and "district board," shall mean a district, vestry, or district board of works within the meaning of the Metropolis Local Management Acts; and the word "parish" (unless where used as defined in the Metropolis Local Management Acts) shall include any extra-parochial place.

The metropolis to be divided into municipal boroughs.

2. The area comprised within the outer limits of the metropolis, as defined by section 250 of "The Metropolis Local Management Act, 1855," (except the city of London as there defined,) shall be divided into the several municipal boroughs named respectively in the first column of Schedule (A.) to this Act annexed.

Contents of the several boroughs.

3. The said several municipal boroughs hereby created shall contain the several parishes and districts named respectively in the second column of the said Schedule (A.) to this Act annexed, and bracketed respectively opposite to the names of such boroughs respectively, and shall be divided into the several wards named respectively in the third column of the same schedule, and also bracketed opposite to the names of such boroughs respectively.

Boundaries of boroughs.

4. The boundaries of the said several boroughs hereby created are set forth in Schedule (B.) to this Act annexed.

Boundaries of wards.

5. The boundaries of the several wards wherein the said several boroughs are hereby divided shall be set out and defined on or before the *twenty-ninth* day of *September one thousand eight hundred* and *sixty-nine* by fit persons, to be appointed by one of Her Majesty's Principal Secretaries of State; and sections 3 and 4 of "The Metropolis Local Management Act, 1855," in so far as the same relate to the setting out of boundaries, and to the power of Her Majesty's Secretary of State, and to the remuneration of the persons to be appointed, shall apply to and in respect of the setting

out of the boundaries of wards under this Act, except that the remuneration of the persons to be appointed shall be paid out of the borough rate of the borough within which such persons shall be appointed to act.

The corporation: mayor, aldermen, and burgesses.

6. In every borough created under this Act there shall be a body corporate, to be called the mayor, aldermen, and burgesses of such borough, according to its respective name as set forth in the said first column of the said Schedule (A.), except as respects the municipal borough of Westminster.

Westminster: mayor, aldermen, and citizens.

7. The municipal borough of Westminster shall be called and known as the city of Westminster; the burgesses of such borough shall be called citizens of the same, and the body corporate of the said borough shall be called the mayor, aldermen, and citizens of the city of Westminster: provided always, that every matter in this Act contained relating to the boroughs hereby created, to the corporate bodies of the same, and to the burgesses of the same respectively, shall apply in all respects to the said city of Westminster, and to the corporate body and to the citizens of the same respectively.

The council.

8. After the first election of councillors under this Act, the body corporate of every borough hereby created shall have perpetual succession and a common seal, and by the council of such borough shall sue and be sued, and shall have full capacity, without licence in mortmain, to take, purchase, and hold land for the purposes of this Act, and of every Act incorporated herewith, or of which the powers are hereby transferred to, or vested in, or authorized to be adopted by such body corporate or its council, and shall have and exercise all the powers and authorities which municipal corporations or their councils may from time to time legally have and exercise, except as herein otherwise provided.

Municipal Corporations Acts to apply.

9. All the provisions of the Municipal Corporations Acts shall apply to the boroughs hereby created, as if the same had been comprised in Schedule (A.) to the Municipal Reform Act, except as herein otherwise provided.

Number of councillors.

10. The number of councillors to be elected for every of the said several boroughs is set out in the fourth column of the said Schedule (A.) to this Act, opposite the name of such borough respectively.

First elections.

11. The first elections for the several boroughs hereby created of councillors, aldermen, mayors, auditors, and assessors, and other officers, who under the Municipal Corporations Acts ought to be elected or appointed on any particular day, shall take place on the

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day or days by law appointed for the election of such officers, under the Municipal Corporations Acts, which shall next ensue after the commencement of this Act.

Who to vote at first elections.

12. At the first elections of councillors under this Act, and at every other election for any borough hereby created, which by the Municipal Corporations Acts is provided to be made by the burgesses of any borough until a burgess roll for such borough shall have been completed, the persons who under the provisions of the Metropolis Local Management Acts would, for the time being, be qualified to vote in the election of vestrymen for any parish or district under the said Acts comprised within any borough, and within any ward of a borough hereby created, shall be qualified to vote in every such election for such borough and ward, and until the burgess roll of such borough shall be completed, shall be taken to be the burgesses of such borough and ward for the purposes of this Act and of the Municipal Corporations Acts: provided always, that where any such parish or district as aforesaid shall not be wholly comprised in any borough, or in any ward of a borough hereby created, the borough and ward in which any person shall be qualified to vote, and of which he shall be deemed a burgess, shall be the one wherein the hereditaments in respect of which he claims to be qualified shall be situate.

Notice of first elections.

13. Notice of the first elections of councillors under this Act shall be given by the churchwardens of every parish wholly or partly comprised within a borough created by this Act, by causing to be published in every such parish, or in every ward of every such parish where the same is divided into wards under the Metropolis Local Management Acts, on some Sunday at least *twenty-one days* previously to the day of election, a notice according to the following form:

'Parish of [*here insert name of parish*]

or

'Parish of ward of [*inserting parish and ward*].

'The parishioners duly qualified according to the provisions of '"The Metropolis Local Management Act, 1855," are hereby 'required to meet at on the day of ' , and then and there to consider of and elect fit and 'proper persons to be councillors of the borough of [*or* of the city 'of Westminster, *as the case may be,*] ward of that is 'to say:

Councillors.'

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14. The sections of "The Metropolis Local Management Act, 1855," numbered respectively 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, 26, and 27, shall apply to the first elections to be holden under this Act, for any borough hereby created, as if the words "councillors" had been inserted in the place of the words "vestrymen," and with the omission of so much of the said several sections respectively as relates to auditors, or an auditor of accounts.

Provisions of Metropolis Local Management Act to apply to first elections of councillors.

15. Except as heretofore provided in reference to the qualification of voters until the completion of a burgess roll, the provisions of the Municipal Corporations Act shall apply to every election after the first of councillors, and to every election of aldermen, mayors, and other officers for any borough thereby created.

Provisions of Municipal Corporations Acts to apply to all other elections.

16. Every borough created by this Act shall be deemed to be one in and for which it shall be lawful for Her Majesty to appoint justices of the peace.

Boroughs under Act to have justices of the peace.

17. The justices of the peace for every borough created under this Act shall, within the limits of the same respectively, have all the powers and authorities of justices of a city, town corporate, or town, under any Act or Acts for or for regulating the granting or transferring of licences to keepers of inns, alehouses, and victualling houses, billiard licences, licences for houses, rooms, gardens, or other places kept for public dancing, music, or other public entertainment; licences for houses or places for the purpose of slaughtering or killing of horses and other animals, licences to deal in game, and under any other Act or Acts authorizing licences to be granted for any purpose by justices of the peace of a city, town corporate, or town, so far as regards the granting or transferring of such licences.

Borough justices under Act to have licensing powers as other borough justices.

18. There shall be a salaried police magistrate or magistrates for every borough hereby created, who shall be a justice or justices of the peace for such borough.

Every borough to have salaried police magistrates.

19. The police courts and police offices already established or to be established as herein-after provided within the several boroughs hereby created shall be the police courts and police offices of such respective boroughs, according to the scheme in that behalf set forth in Schedule (C.) to this Act annexed; and the persons who at the passing of this Act shall be the police magistrates of the said several police courts respectively already established, and the persons who shall be appointed by Her Majesty as the first police magistrates of the police court herein-after authorized to be established, shall be the first police magistrates for the respective boroughs within which such courts shall be respectively situate.

Present metropolitan police courts to be police courts of new boroughs.

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Additional police court for Marylebone borough.

20. It shall be lawful for Her Majesty, with the advice of Her Privy Council, to establish an additional police court in and for the borough of Marylebone, and to appoint magistrates to the same under the provisions of the Metropolitan Police Acts.

Boroughs to form police court divisions.

21. From and after the *commencement of this Act*, as respects the police courts already established, and from and after the establishment of an additional police court in and for the borough of Marylebone, as respects such police court, the police court division of every police court of a borough hereby created shall be taken to be bounded within the area of the metropolis, as hereby defined by the limits of such borough, as set out in Schedule (B.) to this Act, anything in the Metropolitan Police Acts to the contrary notwithstanding; but nothing in this Act contained shall in anywise diminish or affect the jurisdiction of any police court, whereof the division now extends beyond the limits of the metropolis, as so defined as aforesaid, within so much of the said division as extends beyond such limits.

Borough police courts to be deemed metropolitan police courts.

22. Notwithstanding anything herein contained, the police courts mentioned in Schedule (C.) to this Act, and the police magistrates for the same, shall be deemed to be police courts and police magistrates of the metropolis, within the provision of the Metropolitan Police Acts, and (except as herein expressly mentioned) the said courts and magistrates shall have and exercise all jurisdictions, powers, and authorities which, as police courts and police magistrates of the metropolis, they are entitled to have and exercise, and all the provisions of the said Acts relating to such police courts and police magistrates, and to the defraying the salaries of magistrates and officers, and the expenses of holding courts, and putting the said Acts in execution (except as herein expressly mentioned) shall apply to the said police courts mentioned in the said Schedule (C.) to this Act, and to the police magistrates of the same, and to the putting this Act into execution, so far as relates to such courts and magistrates.

Appeal from borough police magistrates.

23. So much of the 50th section of the Act of the second and third years of the reign of Her present Majesty, chapter seventy-one, for regulating the police courts of the metropolis, as allows an appeal to be had from an order or conviction before a police magistrate to the justices of the peace for the county wherein the cause of complaint shall have arisen, is hereby repealed as respects any order or conviction before a police magistrate in any matter where the cause of complaint shall have arisen within any borough hereby created; and in lieu thereof such appeal shall be had to the

recorder of such borough, if any, at the next general or quarter sessions of the peace for such borough, or until a recorder for such borough shall have been appointed, then to the Central Criminal Court.

Certain provisions of Municipal Corporations Acts as to salaried magistrates to apply only to additional magistrates.

24. The 99th section of the Municipal Reform Act, and all other sections, if any, of the Municipal Corporations Acts relating to the appointment, qualification, and salaries of salaried police magistrates, shall only be applicable to any borough hereby created in case the council of such borough shall be of opinion that an additional court is required for the purposes of justice in such borough, and shall pass a resolution to that effect at least four weeks prior to the making of such byelaw as in the said Act or Acts is provided, and shall only be applicable in relation to such additional police court and to the magistrate or magistrates of the same.

Every borough to be police division.

25. It shall be the duty of the justices acting under the authority of the Metropolitan Police Act, subject to the approbation of one of Her Majesty's Principal Secretaries of State, to frame such orders and regulations as may be necessary or expedient for the purpose of forming every borough thereby created into a separate police division.

As to watch committee and police clauses of Municipal Corporations Acts. 2 & 3 Vict. c. 28. 3 & 4 Vict. c. 28.

26. Notwithstanding anything herein contained, the provisions in the Municipal Corporations Acts or in any other Act or Acts contained relative to the appointment of watch committees and constables, and the levying of watch rates, shall not apply to or within any borough thereby created, except so far as the same may be available at any time hereafter for the purposes of any council, board, corporation, or body which may hereafter be invested by authority of Parliament with the control of the police force within the metropolis.

Borough rate may be raised for any purpose authorized by Act.

27. The power given by the Municipal Corporations Acts to the council of any borough to order a borough rate to be made for the purposes of the said Act shall, as respects the boroughs within this Act, extend to the making of a borough rate for any purpose which the council of any such borough is by this Act expressly or by implication or reference authorized to carry out or fulfil; and it shall be lawful for such council to defray out of any borough rate the expenses of watching, and, if need be, opposing and hindering the passing of any Bill in Parliament, or any other matter or thing which in the opinion of such council shall be of a nature to interfere with the purposes of this Act, or with the due carrying out of the same.

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Expenses of Act may be raised out of borough rate.

28. Section 3 of the Act of the thirteenth and fourteenth Victoria, chapter forty-two, to confirm the incorporation of certain boroughs, and to provide for the payment of the expenses of the incorporation of new boroughs, shall apply to the several boroughs hereby created, and to the payment of all costs and expenses of or attendant on or in relation to the preparing and passing of this Act, and of or in relation to all elections, acts, and proceedings under the same; and if any difference shall arise between or amongst any two or more of the councils of the said boroughs as to the proportion of the costs and expenses of or attendant on or in relation to the preparing and passing of this Act, which should be borne by any such borough or boroughs, such difference shall be settled by arbitration as herein-after provided.

Town halls may be provided.

29. The council of every borough hereby created shall have power to build or provide a town hall and all other necessary offices for the use of such borough.

Power to churchwardens and others to transfer charitable funds to borough councils.

30. Where any hereditaments or personal estate are or is vested in the churchwardens or churchwardens and overseers of the poor, as defined by "The Metropolis Local Management Act, 1855," of any parish, or in any person or persons appointed by or on behalf of the parishioners of the same, in trust or for the benefit of any charitable uses or trusts whatsoever, it shall be lawful for such churchwardens or overseers, or other persons, with the consent of the Charity Commissioners for England and Wales, to transfer the same to the council of any borough under this Act wherein such parish is wholly or partly situate; and a certificate under the seal of the Board of Charity Commissioners of England and Wales, expressing their consent to such transfer (a copy whereof shall be entered on the minutes of the council of the borough to which the same shall be made, and sealed with the common seal of such borough), shall effectually vest all such hereditaments or personal estate in the council of the borough therein mentioned, and the provisions of the Municipal Corporations Acts as to charitable trusts and trustees shall thereupon apply to such hereditaments or personal estate, and to the councils of such boroughs.

Councils to have duties and powers of vestries and district boards under Metropolis Local Management Acts.

31. All the duties, powers, and authorities which by the Metropolis Local Management Acts, or by any other Act or Acts of Parliament, are expressly or by reference given to or vested in the vestry of any parish, or the district board of any district, which is wholly or in part comprised within the limits of any borough hereby created, shall (except as herein otherwise provided) from and after the first election of councillors for such borough

cease to be so vested in such vestry or district board, and shall become vested in and be performed and exercised by the council of such borough, as respects any parish or district wholly comprised within such borough, so far as relates to the whole of such parish or district, and as respects any parish or district partly comprised within such borough, so far as relates to the part of such parish or district which shall be so comprised; and the powers of the Metropolis Local Management Acts, or of any such other Act or Acts, in reference to vestries and district boards, shall (except as herein otherwise provided) be applicable to the council of every such borough accordingly, and the offices of vestrymen and members of district boards, and also of auditors of accounts under the said Acts, shall cease, and there shall be no new election of the same.

Powers and provisions of Municipal Corporations Acts to be ancillary to those of Metropolis Local Management Acts.

32. As respects all Purposes provided for by the Metropolis Local Management Acts, and which may be carried out and fulfilled by means of the powers and authorities hereby transferred from any vestry or district board to the council of any borough, the powers, authorities, and provisions of the Municipal Corporations Acts shall, unless otherwise herein expressed, be deemed only ancillary and supplemental to the powers and authorities so transferred and to the provisions of the Metropolis Local Management Acts in relation thereto; but nothing herein contained shall be deemed to preclude the council of any borough from using and exercising any power or authority under the Municipal Corporations Acts in reference to any purpose provided for by the Metropolis Local Management Acts, by reason that such power or authority is not by the Metropolis Local Management Acts vested in any vestry or district board, or from raising by borough rate over the whole of such borough any monies which by the Metropolis Local Management Acts are authorized to be raised by rates upon any parish or part of a parish within such borough.

Councils to have duties and powers of commissioners, &c. under Local Acts.

33. All the duties, powers, and authorities for or in relation to any purpose expressly or by reference provided for or intended to be provided for by this Act, and which the council of a borough can, under this Act or otherwise, by law fulfil and carry out, which are now vested in reference to any parish comprised wholly or partly within the limits of such borough in any commissioners, or in any corporation or body other than the vestry of any parish, or any district board under the provisions of the Metropolis Local Management Acts, or in any officer of any commissioners, corporation, or other body (except as herein expressly provided,

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and also except such duties, powers, and authorities as relate to the affairs of the church, or the management or relief of the poor, or the administration or relief of the poor, so far as such duties, powers, and authorities relate thereto), either under any local Act of Parliament or otherwise howsoever, shall, from and after the first election of councillors for such borough, cease to be so vested in such commissioners, or other body or officer, and shall become vested in and be performed and exercised by the council of such borough as aforesaid, as respects any parish wholly comprised within such borough, so far as relates to the whole of such parish, and as respects any parish partly comprised within such borough, so far as relates to the part of such parish which shall be so comprised; and the provisions of every such Act of Parliament as aforesaid shall be applicable to the council of such borough, and the officers of all commissioners and persons whose powers are determined by this Act shall cease, and there shall be no new appointment or election to any such office: Provided always, that the savings contained in section 91 of "The Metropolis Local Management Act, 1855," shall also apply to this Act, unless where otherwise expressly enacted herein.

Property vested in vestries, &c. to be transferred to councils.

34. All property, matter, and things whatsoever vested in any vestry or district board, commissioners, corporation, body, or officer in connexion with any such duties or powers as aforesaid, hereby transferred to the council of any borough, shall be vested in such council; and when any such property, matters, and things are vested in any such vestry or district board, commissioners, corporation, or body or officer acting for parts extending beyond any one borough, then the Metropolitan Board of Works shall by their order declare in the council of what borough the said property, matters, and things shall be vested, and may, if they see fit, apportion the same between the boroughs over which respectively the duties or powers of such vestry or district board, commissioners, corporation, body, or officers shall extend; or if any such commissioners, corporation, or body or officer shall act for parts extending beyond the limits of the metropolis as defined by this Act, then may determine what portion only of the property, matters, and things so vested in them shall be vested in the council of any such borough as aforesaid, and the same shall be vested accordingly; and any money in the possession of any commissioners, corporation, or body or officer, which becomes vested in the council of any borough under this enactment, and the income of any other such property until sold or disposed of, shall be applicable as nearly as may be for the like purposes as if this Act had not been passed.

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Existing contracts, &c. to remain valid.

35. All contracts, agreements, bonds, covenants, or securities made or entered into with or in favour of the vestry or district board, or any commissioners, corporation, or body as aforesaid, or any person on their behalf respectively, before the commencement of this Act, shall remain as valid and effectual, and be proceeded on and enforced as if this Act had not been passed; and no action, suit, prosecution, or proceeding commenced or carried on by or against such vestry or district board, commissioners, corporation, or body, or any of them respectively, shall abate or be discontinued or prejudicially affected by this Act, but shall continue and take effect as if this Act had not been passed; and all money coming to such vestry or district board, commissioners, corporation, or body, under any such contract, agreement, bond, covenant, security, action, suit, or proceeding, and which would have been applicable by them if this Act had not been passed for the purposes of any of the duties or powers hereby transferred to the council of any borough, shall be paid over to such council, or as they may direct, and be applied for the like purposes; and all monies and liabilities which such vestry or district board, commissioners, corporation, or body or officer would, if this Act had not been passed, have been liable to pay or discharge under any such contract, agreement, bond, covenant, security, action, suit, or proceeding, out of any rates levied under any such powers as aforesaid upon any parish or part of a parish comprised in any borough under this Act, and all costs, damages, and expenses which such vestry or district board, commissioners, corporation, or body, or any of them respectively, might, if this Act had not been passed, have legally defrayed out of any such rates, shall be paid out of rates to be levied by the council of such borough.

Existing commissioners, &c. continued till Act comes into operation.

36. Where, under the provisions of any Local Act, any election or appointment of any commissioners or persons whose powers are determined by this Act, is appointed to take place at any time between the passing of this Act and the time appointed for the commencement thereof, the commissioners or persons now acting under such Local Act shall remain in office, and perform and exercise all the duties, powers, and authorities of such Act, until the commencement of this Act, anything in such Local Act to the contrary notwithstanding.

Existing debts and liabilities to be discharged.

37. All debts and liabilities legally charged upon or payable out of any rates or assessments authorized by any Act or Acts of Parliament to be made by any vestry or district board, commissioners, corporation, or body, whose powers are hereby transferred to the council of any borough, in or upon any parish, or any part of a

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parish, comprised within such borough, shall be charged upon the rates to be raised under this Act in such borough, parish, or part of a parish (other than any rates by the Metropolis Local Management Act, or otherwise directed to be raised as separate rates for any purpose); and the council of every such borough shall cause the sums necessary for discharging such debts and liabilities to be raised in such borough, parish, or part of a parish; and such council shall once in every year set aside out of the rates charged under this Act with such debts and liabilities, such sum or percentage, and to be applied and dealt with in such manner as is mentioned in section 180 of "The Metropolis Local Management Act, 1855," except that the power of apportionment thereby given to the Metropolitan Board of Works shall be exercised by the council of any borough, as between all parishes and districts wholly comprised within such borough, and shall be exercised by the Metropolitan Board of Works only as between parishes and districts comprised in two or more boroughs: Provided also, that the Metropolitan Board of Works shall exercise the like power of apportionment as by the section now referred to is provided in cases where the rates and assessments on which any debt or liability is charged shall be levied by any commissioner, corporation, or body acting for parts extending beyond the limits of the metropolis.

As to rates made before Act coming into operation.

38. All rates made previously to the commencement of this Act by any vestry or district board, commissioners, corporation, or body, whose duties and powers are hereby transferred to the council of any borough under the Metropolis Local Management Acts, or any other Act or Acts of Parliament, or so much of the same rates respectively as may not have been levied and paid, shall be levied and collected as if this Act had not been passed, and subject to the payment or retainer thereout of any sum or expenses thereout lawfully payable, such rates, if made within a parish or district wholly comprised in any borough under this Act, shall be accounted for and paid over to the council of the borough to which the duties and powers of the vestry or district board, commissioners, corporation, or body which shall have made the same shall be transferred; and if made by any vestry or district board, commissioners, corporation, or body acting for parts extending beyond any one borough, then shall be apportioned by the Metropolitan Board of Works as herein-before provided in respect of property vested in such vestry or district board, commissioners, corporations, or body, and shall in every case be applied in aid of the rates to be raised under this Act, for the like purposes as the rates so to be accounted for were raised, in the borough in which the same were raised.

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Savings, &c. applicable to vestries, &c. to apply to councils.

39. All savings and provisions in any Acts of Parliament saving and providing for the rights of any vestries or district boards, commissioners, corporations, and bodies whose duties and powers are by this Act transferred to the council of any borough, as respects any parts within the metropolis, as defined by this Act, shall, so far as the same are not inconsistent with the provisions of this Act, continue and have force in favour of and with reference to the council of such borough, so far as such savings and provisions respectively are now applicable to such council, or to any officer or person continued by such council to be employed.

Compensations to be under Municipal Corporations Acts.

40. The provisions of the Municipal Reform Act, sections 66, 67, 68, as to the compensation of officers, shall apply to every officer of any vestry or district board, commissioners, corporation, or body holding any office of profit at the time of the passing of this Act, whose office shall be abolished, or who shall be removed from office, or who shall not be re-appointed under the provisions of this Act, or of any of the Acts herein referred to.

Councils may adopt parts of Towns Improvement Clauses Act and Local Government Acts, &c.

41. The council of any borough created under this Act may, for better carrying out any of the provisions of this Act, from time to time, by resolution to be forwarded to one of Her Majesty's Principal Secretaries of State, adopt any part or parts of the following Acts; viz., "The Towns Improvement Clauses Act, 1847," and (notwithstanding anything in "The Local Government Act, 1858," contained) "The Local Government Act, 1858," and all Acts amending the same, and thereupon the part or parts of the said Act or Acts named in such resolution shall become and be in force within the borough whose council shall have adopted the same.

Saving clauses of Metropolis Local Management Act to apply.

42. Sections 240, 241, 242, 243, 244, and 246 of "The Metropolis Local Management Act, 1855," shall apply to this Act, as if the words "council of a borough" had been inserted therein wherever the words "vestry or district board" occur.

Saving as to metropolis police commissioners.

43. Nothing in this Act contained shall interfere with the powers given by law to the commissioner of police of the metropolis, except so far as the same may be affected by sections twenty-five and twenty-six of this Act.

City of London not to be affected.

44. Nothing in this Act contained shall affect the city of London, or the corporation of the same, or the powers, privileges, or jurisdiction of any of its officers.

Powers, &c. of Metropolitan Board of Works not to be abridged.

45. Nothing in this Act contained shall abridge the powers or affect the constitution of the Metropolitan Board of Works, as the same now exist, except as herein expressly provided.

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Inns of court, &c. not to be affectedfurther than by the Metropolis Local Management Acts.

46. Nothing in this Act contained shall affect the places mentioned in Schedule (C.) to "The Metropolis Local Management Act, 1855," except so far as they are affected by the Metropolis Local Management Acts, and by the transfer hereby made of the duties, powers, and authorities of vestries and district boards to the councils of the several boroughs hereby created.

Boundaries of parliamentary boroughs and electoral franchise not to be affected.

47. Nothing in this Act contained shall affect the boundaries of the city of Westminster, or of the boroughs of Marylebone, Finsbury, Tower Hamlets, Hackney, Greenwich, Southwark, Lambeth, or Chelsea, or any of them respectively, so far as respects the representation of the people in the Commons House of Parliament, or the rights of the said city and boroughs aforesaid respectively, or any of them, to return members to serve in Parliament, or the right of any citizen, burgess, or freemen within the same respectively, or any of them, to vote in the election of such members.

Repeal of inconsistent Acts.

48. All Acts of Parliament in force in any parish to which this Act extends, or in any part of such parish, shall, so far as the same are inconsistent with the provisions of this Act, be repealed as regards such parish or such part thereof, notwithstanding any provisions of this Act continuing and transferring respectively to councils of boroughs any duties, powers, or authorities now vested in vestries, commissioners, corporations, or other bodies.

Provisions of local Acts may be varied by Her Majesty's order in council.

49. Upon the petition of the council of any borough under this Act, but not otherwise, the provisions of section 248 of "The Metropolis Local Management Act, 1855," shall apply to this Act.

Differences between councils, &c. to be referred to arbitration.

50. If any difference shall arise between the council of any borough and the council of any other borough under this Act, or the Metropolitan Board of Works, or any commissioners, corporation, company, or body, or any of their officers, touching the construction of this Act or of any Act or Acts herein referred to, or touching the carrying out of the provisions of the same, or touching the fulfilment and exercise of the duties, powers, or authorities of such council or councils, Metropolitan Board of Works, commissioners, corporation, company, body, or officer or officers (other than such matters as are hereby expressly referred to the decision of the Metropolitan Board of Works), such difference shall be referred to arbitration in manner provided by "The Companies Clauses Consolidation Act, 1845."

Provision for creating new boroughs under Act.

51. If the provisions of the Metropolis Local Management Acts shall at any future time be extended to any parishes adjoining the metropolis as hereby defined, and in which there are not less than

ten thousand inhabitants rated to the poor, it shall be lawful for Her Majesty, from time to time, upon the petition of not less than *one thousand* inhabitant householders of such adjoining parishes, by the advice of Her Privy Council, to constitute such parishes or any of them into a borough or boroughs within the meaning of this Act, and to grant to the inhabitants of the same respectively a charter or charters of incorporation, to be in force within such limits as therein set forth; and all the provisions of this Act shall thereupon, so far as practicable, apply to the borough or boroughs so to be constituted: provided always, that such notices shall be given as by the Municipal Corporations Acts is provided in case of future charters of incorporation, and that every such charter shall be deemed to have been granted under the powers in the said Acts contained.

Commencement of Act.

52. This Act shall commence, save as herein otherwise provided, on the *twenty-fifth* day of *March one thousand eight hundred and sixty-nine.*

Short Title.

53. This Act may be cited as "The Metropolitan Municipalities Act, 1869."

SCHEDULES.

SCHEDULE (A.)

City and Boroughs.	Parishes.	Wards.	Number of Councillors	Number of Aldermen.	
Westminster	St. Ann, Soho	Soho	3	1	18
	The Rolls Liberty, St. Clements Danes, St. Mary-le-Strand, St. John, Savoy	Strand	6	2	
	St. Paul, Covent Garden, St. Martin-in-the-Fields	St. Martin's	6	2	
	St. James, Westminster	St. James'	6	2	
	St. George, Hanover Square	Grosvenor	6	2	
		Knightsbridge	6	2	
		Pimlico	6	2	
	St. Margaret	St. Margaret (In)	6	2	
		St. Margaret (Out)	3	1	
	Close of St. Peter, St. John the Evangelist	St. John	6	2	
Chelsea	Chelsea	Sloane Street	6	2	14
		Chelsea	6	2	
	Fulham	Fulham	6	2	
	St. Peter and St. Paul, Hammersmith.	Hammersmith	6	2	
	St. Mary Abbot, Kensington	Brompton	6	2	
		Kensington	6	2	
		Notting Hill	6	2	
Marylebone	Paddington	Bayswater	6	2	31
		Paddington	9	3	
	Marylebone	Bryanston	6	2	
		Portman	6	2	
		Cavendish	3	1	
		Langham	6	2	
		Lisson Grove	6	2	
		St. John's Wood	6	2	
	St. John, Hampstead	Hampstead	6	2	
	St. Pancras	Gray's Inn Lane	6	2	
		Tottenham Court Road	6	2	
		Somers Town	6	2	
		Regent's Park	6	2	
		Camden Town	9	3	
		Kentish Town	6	2	

Schedule (A.)—*continued.*

City and Boroughs.	Parishes.	Wards.	Number of Councillors	Number of Aldermen.	
Finsbury	Saffron Hill Hatton Garden Ely Rents Ely Place St. Andrew, Holborn, above Bars St. George the Martyr St. Sepulchre (minus part in city of London)	Holborn	9	3	25
	St. George, Bloomsbury	Bloomsbury	6	2	
	St. Giles-in-the-Fields	St. Giles	6	2	
	St. Luke's	Finsbury	6	2	
		St. Luke's	6	2	
	Charterhouse Liberty of Glasshouse Yard St. James and St. John, Clerkenwell	Clerkenwell Pentonville	6 6	2 2	
	St. Mary, Islington	Islington	6	2	
		Barnsbury	6	2	
		Canonbury	6	2	
		Highbury	6	2	
		Holloway	6	2	
Hackney	St. Mary, Stoke Newington	Stoke Newington	6	2	20
		Kingsland	6	2	
	Hackney	Hackney	6	2	
	St. Leonard, Shoreditch	Haggerstone	9	3	
		Hoxton	9	3	
		Shoreditch	6	2	
	St. Matthew, Bethnal Green	Hackney Road	6	2	
		Bethnal Green	6	2	
		Victoria Park	6	2	
Tower Hamlets	Old Artillery Ground Norton Folgate, Liberty of Christ Church, Spitalfields Mile End New Town	Spitalfields	6	2	22
	St. Mary, Whitechapel Holy Trinity, Minories St. Botolph Without, Aldgate St. Catherine by the Tower Old Tower Without Tower of London	Whitechapel	9	3	
	St. George's-in-the-East	St. George's-in-the-East.	9	3	
	Mile End Old Town	Mile End Old Town, W.	6	2	
		Mile End Old Town, E.	9	3	
	St. John, Wapping St. Paul, Shadwell Ratcliffe Hamlet	Shadwell	6	2	
	St. Ann, Limehouse	Limehouse	6	2	
	St. Mary, Stratford-le-Bow St. Leonard, Bromley	Bow	6	2	
	All Saints, Poplar	Poplar	9	3	

SCHEDULE (A.)—*continued.*

City and Boroughs.	Parishes.	Wards.	Number of Councillors	Number of Aldermen.	
Lambeth	Putney and Roehampton	Putney	3	1	18
	Wandsworth	Wandsworth	3	1	
	St. Mary, Battersea, including Penge.	Battersea	6	2	
	Clapham	Clapham	6	2	
	Tooting, Gravenly	Streatham	3	1	
	Streatham				
	Lambeth	Waterloo	6	2	
		Lambeth	9	3	
		Kennington	9	3	
		Brixton	6	2	
		Norwood	3	1	
Southwark	Christ Church	St. Saviour	6	2	24
	St. Saviour and the Clink Liberty				
	St. Olave	St. Olave	3	1	
	St. Thomas				
	St. John, Horsleydown				
	St. George-the-Martyr, Southwark	Borough	6	2	
		Kent Road	3	1	
	St. Mary, Newington	Newington	9	3	
		Walworth	9	3	
	Bermondsey	St. Mary, Bermondsey.	6	2	
		St. James, Bermondsey.	6	2	
	St. Mary, Rotherhithe	Rotherhithe	6	2	
	Camberwell	St. George, Camberwell.	6	2	
		Peckham	6	2	
		St. Giles, Camberwell	6	2	
Greenwich	St. Paul, Deptford	Deptford	9	3	16
	St. Nicholas, Deptford				
	Greenwich	Greenwich	9	3	
	Woolwich	Woolwich	9	3	
	Plumstead	Plumstead	6	2	
	Charlton next Woolwich	Charlton	6	2	
	Lee				
	Kidbrooke				
	Lewisham (minus Sydenham Chapelry).	Lewisham	3	1	
	Sydenham Chapelry	Sydenham	3	1	
	Eltham	Eltham	3	1	

SCHEDULE (B.)

Boundaries of Boroughs and the City of Westminster.

The whole space contained within the outer boundaries of the several parishes named respectively in the second column of the said Schedule (A.) to this Act annexed.

SCHEDULE (C.)

Boroughs.	Police Courts.	Boroughs.	Police Courts.
Westminster	Bow Street. 21, Great Marlborough Street. Vincent Square.	Hackney Tower Hamlets	43, Worship Street. Arbour Street, E., Arbour Square.
Kensington	Vernon Street, Hammersmith Road.	Lambeth Southwark	Lower Kennington Lane. Love Lane, Wandsworth. Between 56 and 60, Blackman Street.
Marylebone	86, High Street, Marylebone.	Greenwich	Greenwich. Woolwich.
Finsbury	King's Cross Road.		

Municipal Corporations (Metropolis).

A

BILL

To provide for the establishment of Municipal Corporations within the Metropolis.

(*Prepared and brought in by Mr. Buxton and Mr. Thomas Hughes.*)

Ordered, by The House of Commons, *to be Printed,* 8 *March* 1869.

[Bill 39.]

Under 3 *oz.*

A

B I L L

INTITULED

An Act for Protection of Naval Stores. A.D. 1869.

[Note.—*The word printed in red ink is proposed to be inserted in Committee.*]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as The Naval Stores Act, 1869.

Interpretation.

2. In this Act—

The term "the Admiralty" means the Lord High Admiral of the United Kingdom, or the Commissioners for executing the office of Lord High Admiral:

The term "stores" includes all goods and chattels, and any single store or article.

30 & 31 Vict. c. 119. and 28 & 29 Vict. c. 89. s. 45. repealed.

3. The Naval Stores Act, 1867, is hereby repealed; but this repeal shall not apply or have effect to or in respect of any offence, act, or thing committed or done before the passing of this Act, or affect the revivor of any enactment revived by the Act hereby repealed.

Marks in schedule appropriated for naval stores.

4. The marks described in the schedule to this Act may be applied in or on stores therein described in order to denote Her Majesty's property in stores so marked; and it shall be lawful for the Admiralty, their contractors, officers, and workmen, to apply those marks, or any of them, in or on any such stores; and if any person without lawful authority (proof of which authority shall lie on the party accused) applies any of those marks in or on any such stores he shall be guilty of a misdemeanour, and shall on conviction thereof be liable to be imprisoned for any term not exceeding two years, with or without hard labour.

Obliteration with intent to conceal.

5. If any person with intent to conceal Her Majesty's property in any stores takes out, destroys, or obliterates, wholly or in part, any such mark as aforesaid, he shall be guilty of felony, and shall

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on conviction thereof be liable in the discretion of the court before which he is convicted to be kept in penal servitude for any term not exceeding five years or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

Power for policemen of metropolitan force to stop suspected persons, &c., and punishment for possession, &c.

6. A constable of the metropolitan police force may, within any of Her Majesty's dock, victualling, or steam factory yards, and the area connected therewith, for which he is sworn, stop, search, and detain any vessel, boat, or vehicle in or on which there is reason to suspect that any of Her Majesty's stores stolen or unlawfully obtained may be found, or any person reasonably suspected of having or conveying in any manner any of Her Majesty's stores stolen or unlawfully obtained; and if any person is brought before two justices of the peace charged with having or conveying in any manner any of Her Majesty's stores reasonably suspected of being stolen or unlawfully obtained, and does not give an account to the satisfaction of the justices how he came by the same, he shall be deemed guilty of a misdemeanour, and shall be liable, on summary conviction before two justices, to a penalty not exceeding five pounds, or, in the discretion of the justices, to be imprisoned for any term not exceeding two months, with or without hard labour.

Prohibition of sweeping, &c. within 100 yards of dockyards, &c.

7. It shall not be lawful for any person, without permission in writing from the Admiralty, or from some person authorized by the Admiralty in that behalf, (proof of which permission shall lie on the party accused,) to gather or search for stores, or to creep, sweep, or dredge in the sea or any tidal water, within one hundred yards from any vessel belonging to Her Majesty or in Her Majesty's service, or from any mooring place or anchoring place appropriated to such vessels, or from any moorings belonging to Her Majesty, or from any of Her Majesty's wharves, or dock, victualling, or steam factory yards, or in or on any part of the spaces or distances from time to time marked out as ranges for artillery practice for the use of Her Majesty's ships at Portsmouth, Devonport, or elsewhere, whether covered with water or not.

Penalty.

If any person acts in contravention of this provision he shall be liable, on summary conviction before a justice of the peace, to a penalty not exceeding five pounds, or, in the discretion of the justice, to be imprisoned for any term not exceeding three months, with or without hard labour.

Penalty on dealer, &c. found in

8. If stores are found in the possession or keeping of a person being in Her Majesty's service, or in the service of the Admiralty,

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possession of stores, and not accounting.

or being a dealer in marine stores or in old metals or a pawnbroker (within the meaning of any enactments for the time being in force relating to such dealers or to pawnbrokers), and he is taken or summoned before a justice of the peace, and the justice sees reasonable grounds for believing the stores found to be or to have been Her Majesty's property, then if such person does not satisfy the justice that he came lawfully by the stores found, he shall be liable, on summary conviction before a justice, to a penalty not exceeding five pounds; and for the purposes of this section stores shall be deemed to be in the possession or keeping of any person if he knowingly has them in the actual possession or keeping of any other person, or in any house, building, lodging, apartment, field, or place, open or inclosed, whether occupied by himself or not, and whether the same are so had for his own use or benefit or for the use or benefit of another.

Conviction of dealer in old metals, 24 & 25 Vict. c. 110.

9. A conviction under any provision of this Act of a dealer in old metals shall, for the purposes of registration and its consequences under The Old Metal Dealers Act, 1861, be equivalent to a conviction under that Act.

Parts of 24 & 25 Vict. c. 96. incorporated.

10. The following sections of the Act of the session of the twenty-fourth and twenty-fifth years of Her Majesty's reign (chapter ninety-six), "to consolidate and amend the Statute Law of England "and Ireland relating to larceny and other similar offences," are hereby incorporated with this Act, and shall for the purposes of this Act, be read as if they were here re-enacted, namely, sections ninety-eight to one hundred, one hundred and three, one hundred and seven to one hundred and thirteen, and one hundred and fifteen to one hundred and twenty-one, all inclusive; and for this purpose the expression "this Act," where used in those sections, shall be taken to include the present Act.

Penalties, &c. to be applied under orders of Admiralty.

11. Notwithstanding anything in any Act relating to municipal corporations or to the metropolitan police force; or in any other Act, any pecuniary penalty or other money recovered under this Act shall be paid or applied as the Admiralty direct.

Not to prevent persons being indicted under this Act, &c.

12. Nothing in this Act shall prevent any person from being indicted under this Act or otherwise for any indictable offence made punishable on summary conviction by this Act, or prevent any person from being liable under any other Act or otherwise to any other or higher penalty or punishment than is provided for any offence by this Act, so that no person be punished twice for the same offence.

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Amendment of sect. 45. of 28 & 29 Vict. c. 89.

13. Section forty-five of The Greenwich Hospital Act, 1865, shall be read and have effect as if this Act, instead of The Naval and Victualling Stores Act, 1864, were referred to in that section.

SCHEDULE.

Marks appropriated for Her Majesty's use in or on Stores.

Stores.	Marks.
Hempen cordage and wire rope -	White, black, or coloured worsted threads laid up with the yarns and the wire respectively.
Canvas, fearnought, hammocks and seamen's bags.	A blue line in a serpentine form.
Buntin - - - - -	A double tape in the warp.
Candles - - - - -	Blue or red cotton threads in each wick or wicks of red cotton.
Timber, metal, and other stores not before enumerated.	The broad arrow.

Naval Stores. [H.L.]

A

BILL

INTITULED

An Act for Protection of Naval Stores.

(Brought from the Lords 20 April 1869.)

Ordered, by The House of Commons, *to be printed,* 21 *April* 1869.

[Bill 88.]

Under 1 *oz.*

A

B I L L

INTITULED

An Act to amend the New Parishes Acts and Church Building Acts. A.D. 1869.

[Note.—*The Words printed in Red Ink are proposed to be inserted in Committee.*]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Powers of New Parishes Acts to apply at any time to new parishes for ecclesiastical purposes.

1. The powers and provisions relating to the alteration of the boundaries of districts which are contained in the ninth section of the "New Parishes Act, 1844," shall, notwithstanding the lapse of the periods of twelve months and five years mentioned in the same section and in the twenty-seventh section of the Act of the thirteenth and fourteenth years of Her Majesty, chapter ninety-four, respectively, or either of them, be at any time applicable to the alteration of the boundaries of any and every ecclesiastical district which may or shall have become a new parish for ecclesiastical purposes under the provisions of the "New Parishes Acts," whether such district has been or shall have been originally created under the provisions of the said Acts or any of them, or of any other Act of Parliament.

Pews or sittings may be surrendered to Ecclesiastical Commissioners.

2. Whenever by virtue of any public or private Act of Parliament now or hereafter in force, or by virtue of any deed or instrument, the pews or sittings, or some or one of the pews or sittings, in any church or chapel, consecrated or unconsecrated, are or is or shall be subject to any trust as to the grant, demise, sale, or disposal of such pews or sittings, pew or sitting, or are, is, or shall be the private property for any estate whatsoever of any person or persons, then and in every such case it shall be lawful for the trustees of such church or chapel, or other the persons exercising powers of grant, demise, sale, or disposal as aforesaid, or for all or any persons possessing on their own behalf or on the behalf of others any rights, qualified or unqualified, of ownership, by reason of any

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such grant, demise, sale, or disposal as aforesaid, or for any person or persons to whom any pews or sittings, pew or sitting, in such church or chapel, shall belong, for any estate whatsoever, under or by virtue of such Act of Parliament, deed, or instrument as aforesaid, with or without consideration, to surrender and for ever yield up, either altogether or separately, and according to the nature and extent of their several rights and interests, to the Ecclesiastical Commissioners for England, who are hereby authorized to accept every such surrender, all rights of ownership, grant, demise, sale, disposal, or other right whatsoever which they the said trustees, persons or person, may have in, over, or in respect of such pews or sittings, pew or sitting.

Surrender to be by deed, executed by the parties, including bishop of diocese.

3. Every such surrender shall be made by deed executed by all the parties to the same, amongst whom shall be included the bishop of the diocese wherein the church or chapel to be affected by it is situate, and the patron or patrons of such church or chapel aforesaid; and such surrender shall not be valid or effectual in law unless the said commissioners shall approve the same, and shall signify such approval by the affixing to such deed their common or corporate seal.

Upon surrender all rights of ownership, &c. to cease.

4. So soon as all rights and powers over or in respect of the pews or sittings in any such church or chapel shall have been surrendered to the said commissioners as aforesaid, the trusts or rights of ownership, and the obligations affecting such pews or sittings, or any of them, under such Act of Parliament, deed, or instrument as aforesaid, shall at once and ipso facto determine, and all the provisions of such Act of Parliament, deed, or instrument as to pews or sittings in such church or chapel shall thenceforth be void and of none effect.

And pews, &c. subject as pews of ancient parish churches.

5. From and after every such surrender to the said commissioners, the pews or sittings, pew or sitting, affected thereby shall, to the extent of the rights or powers expressed to be surrendered, be subject to the same laws as to all rights and property therein as the pews and sittings of ancient parish churches are now subject to: Provided that if the church or chapel be not consecrated such pews or sittings, pew or sitting, shall belong absolutely to the said commissioners until the consecration of the said church or chapel, and from and after the consecration thereof the right of the said commissioners shall cease, and the said pews or sittings shall be subject to the same laws as to all rights and property therein as the pews and sittings of ancient parish churches.

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Powers herein-before contained to apply to and authorize absolute transfer to Ecclesiastical Commissioners.

6. The powers and provisions herein-before contained as to pews and sittings subject to trusts as aforesaid in any such church or chapel as aforesaid shall, mutatis mutandis, be held to apply to and shall be held to authorize the absolute transfer and conveyance to the said Commissioners, by any deed or deeds, made without consideration and executed by all the parties thereto as aforesaid, of the freehold of any church or chapel, consecrated or unconsecrated, and of the vaults therein or thereunder, which, under or by virtue of any such Act of Parliament, deed, or instrument as aforesaid, is or are or shall be vested in any persons or person in their own right or as trustees or trustee of such church or chapel for an estate in perpetuity; and if such church or chapel be unconsecrated at the time of such transfer and conveyance, such freehold so transferred and conveyed shall remain in the said Commissioners until the consecration of the same church or chapel, and shall then ipso facto become subject to the same laws as to all rights and property therein as the pews and sittings of ancient parish churches.

Upon complete surrender, all rights created by Act for building church to cease.

7. In every case in which a complete surrender and determination of the rights, powers, obligations, and trusts affecting the pews or sittings in a church or chapel shall have been carried out as aforesaid, and in every case in which such transfer and conveyance as aforesaid of the freehold of a church or chapel, and the vaults (if any) thereof, shall have been effected, all other rights, powers, obligations, and trusts created, conferred, or enforced as to such church or chapel by the Act of Parliament, deed, or instrument under which such church or chapel was built, shall upon such complete surrender and determination, or (as the case may be) such transfer and conveyance, absolutely cease and determine; provided always, that such cesser and determination shall not diminish or in anywise affect any right or rights of patronage.

Provision for sites of churches pulled down.

8. In and by any faculty granted by a bishop for wholly pulling down any church, under the provisions contained in the first section of the Act eighth and ninth Victoria, chapter seventy, it shall be lawful to make such provision as such bishop may deem proper and expedient, for the use or preservation of the site of such church, either by the incumbent of the substituted church, or by any other person being the owner of the freehold of the land adjoining such site.

The portions of a benefice held in severalty may be consolidated into one.

9. In every case where the respective incumbents of two or more benefices held in severalty (whether each of such benefices belongs to the same patron or to different patrons) have or shall have

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by statute or by custom the right in virtue of their respective incumbencies to execute the office of an incumbent within one and the same church, and within no other church other than a chapel of ease, then the powers and provisions given by and contained in the seventy-second section of the Act of the third and fourth years of Her Majesty, chapter one hundred and thirteen, with respect to the consolidation of two or more portions of a benefice divided as therein mentioned into one benefice to be held by one incumbent, shall, subject to the conditions therein expressed, be available for and shall apply to and may be used for effecting the consolidation of both or all of such benefices into one benefice to be held by one incumbent, and this notwithstanding that such benefice when so united may include the cure of souls within more than one parish: Provided always, that any plan or scheme for such consolidation to be framed under the provisions of the Act last mentioned may contain a regulation that such consolidation shall not take effect until after the next avoidance of any one or more of such benefices to be specially named in such plan or scheme; and provided also, that nothing herein contained shall be held to create an union of the two or more parishes so as aforesaid to be included within such united benefice, but that each of such parishes shall remain for all purposes, civil and ecclesiastical, precisely in the same position as if no such union of benefices as aforesaid had taken place.

Part of 19 & 20 Vict. c. 104. s. 18. repealed.

10. So much of the eighteenth section of the Act of the nineteenth and twentieth Victoria, chapter one hundred and four, as requires that in the case of a benefice in the patronage of the incumbent for the time being of any other benefice the consent of the patron of such other benefice, if a private patron, shall be necessary in order to effect an assignment of patronage under the last-mentioned Act, is hereby repealed, but the private patron in any such case shall have one month's notice from the Ecclesiastical Commissioners, and he may require the Commissioners to assess the amount of diminution in the value of his advowson, if any, likely to be caused by any contemplated assignment of patronage under the said Act, or may require that such diminution shall be ascertained by reference to the decision of two arbitrators, one to be appointed by himself and the other by the Commissioners, and if thereupon it shall appear that any such diminution will be caused by the assignment of patronage contemplated, such private patron shall be entitled to claim and recover the amount of such diminution from the person or persons or body to whom the said assignment of patronage may be made.

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As to parish where there is no church and no patron.

11. In the case of any parish or place wherein there is no parish church nor any person known to be or claiming to be patron of the ancient church or advowson, if any, of such parish or place, then for all purposes of forming an ecclesiastical district or ecclesiastical districts either wholly or partly out of such parish or place under the powers of the Church Building Acts or New Parishes Acts, or any other Act or Acts of Parliament now or hereafter in force, such parish or place shall be deemed to be and shall be treated for such purposes as an extra-parochial place, and in any case in which notice shall be required to be sent or given to a patron under the provisions of such Acts or any of them it shall be sufficient with respect to such parish or place so to be treated as an extra-parochial place as aforesaid to send or give such notice to the bishop of the diocese alone, and such notice when so sent or given shall be held to be a full compliance with the requirements of the said Acts or Act in respect of such notice: Provided always, that nothing herein contained shall affect the rights of the Crown, if any, with regard to any such parish or place.

Bodies mentioned in recited Acts may grant land as sites for churches, &c.

12. It shall be lawful for the several bodies and persons mentioned in the thirty-sixth section of the Act of the fifty-eighth George the Third, chapter forty-five, and in the first section of the Act of the third George the Fourth, chapter seventy-two, respectively, to grant, by way of sale or gift to the Ecclesiastical Commissioners for England, land as sites for churches or parsonage houses to be built under any of the Church Building Acts or New Parishes Acts, or any other Act or Acts of Parliament, or for additions thereto or to the sites of any existing churches or parsonage houses, or the grounds thereto belonging, or for new or additional churchyards or burial grounds, or for glebe for the endowment of the incumbent or minister of any parish, new parish, ecclesiastical district or place: Provided that in the case of a sale by any body or person under disability the purchase money shall be paid in manner provided by the said Act of the fifty-eighth George the Third, chapter forty-five, as amended by the Act of the eighth and ninth Victoria, chapter seventy, and in the case of a gift by any such body or person no grant in any one case for any one of the purposes aforesaid shall exceed one acre.

Provided also, that nothing herein contained shall be deemed to prejudice or restrict any existing power contained in any of the said Acts for effecting any of the purposes aforesaid.

Any conveyance under the preceding power shall be sufficient if expressed to be made under the authority of this Act, and shall

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be in such form as the Ecclesiastical Commissioners for England shall direct, and shall be exempt from stamp duty, and shall not require enrolment, and shall have the same force and effect as any other conveyance for the purposes aforesaid made under the provisions of the Church Building Acts.

Meaning of "church" and "chapel."

13. The words church and chapel in this Act shall apply only to churches and chapels of the Established Church.

New Parishes and Church Building Acts Amendment.

[H. L.]

A

B I L L

INTITULED

An Act to amend the New Parishes Acts and Church Building Acts.

(*Brought from the Lords* 19 *July* 1869.)

Ordered, by The House of Commons, *to be Printed,* 20 *July* 1869.

[Bill 225.]

Under 1 *oz.*

A

B I L L

TO

Repeal certain enactments relating to Newspapers, Pamphlets, and other Publications, and to Printers, Typefounders, and Reading Rooms. A.D. 1869.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Repeal with saving.

1. The Acts and parts of Acts described in the first schedule to this Act are hereby repealed, but the provisions of the said Acts which are set out in the second schedule to this Act shall continue in force in the same manner as if they were enacted in the body of this Act.

Short title.

2. This Act may be cited as The Newspapers, &c. Repeal Act, 1869.

FIRST SCHEDULE.

Date of Act.	Title of Act, and part repealed.	The parts in italics are explanatory: it is proposed to strike them out at a late stage of the bill.
36 Geo. 3. c. 8.	An Act for the more effectually preventing seditious meetings and assemblies.	*This Act is expired; in one case an argument was founded on a portion of it which was applied by section 17 of 39 Geo. 3. c. 79. proposed to be repealed.*
39 Geo. 3. c. 79. in part.	An Act for the more effectual suppression of societies established for seditious and treasonable purposes, and for better preventing treasonable and seditious practices.	In part, namely,—Sections fifteen to thirty-three, both inclusive, and so much of sections thirty-four to thirty-nine as relates to the above-mentioned sections. *Sections 15–22 require places for lectures, debates, or for reading books, newspapers, &c., to which persons are admitted on payment, to be licensed by the justices in general or special sessions, and provide for the forfeiture of the licence.* *Sections 23–26 and 33 relate to the registry with the Clerk of the Peace of persons having printing presses or types, or carrying on the business of a letter founder, or maker of types or printing presses.* *Section 27 was repealed by 2 & 3 Vict. c. 12.* *Section 29 relates to keeping a copy of everything printed, with the name of the employer on it.* *Sections 34–39 relate to the recovery of penalties, &c.* *See parts retained in second schedule.* *The first fourteen sections relate to illegal societies, &c.*
39 & 40 Geo. 3. c. 95.	An Act to indemnify all persons who have printed, published, or dispersed, or who shall publish or disperse, any papers printed under the authority of the commissioners or head officers of any public boards, from all penalties incurred by reason of the name and place of abode of the printer of such papers not being printed thereon.	*The object of this Act is sufficiently shown by its title; it consists of one clause only, and is now spent.*

Date of Act.	Title of Act, and part repealed.	The parts in italics are explanatory; it is proposed to strike them out at a late stage of the bill.
41 Geo. 3. (U.K.) c. 80.	An Act to indemnify all persons who have printed, published, or dispersed, or who shall publish or disperse, any papers printed under the authority of any head officer of state or of public boards, or other public authorities, from all penalties incurred by reason of the name and place of abode of the printer of such papers not being printed thereon.	*This Act was only to indemnify for past acts, and is now spent.*
49 Geo. 3. c. 69.	An Act to indemnify persons who have inadvertently printed, published, or dispersed papers or books without a full description of the place of abode of the printers thereof from penalties incurred under an Act of the thirty-ninth year of His Majesty's reign.	*This Act was only to indemnify for past acts, and is now spent.*
51 Geo. 3. c. 65.	An Act to explain and amend an Act passed in the thirty-ninth year of His Majesty's reign, intituled "An Act for the more "effectual suppression of societies "established for seditious and "treasonable purposes, and for "better preventing treasonable "and seditious practices," so far as respects certain penalties on printers and publishers.	*Sections 1 and 2 mitigate or allow justices to mitigate the penalties under 39 Geo. 3. c. 79. s. 27. (repealed by 2 & 3 Vict. c. 12.)* *Section 4 gives an appeal on conviction; this section applies in terms to the whole of 39 Geo. 3. c. 79., but is clearly intended to apply only to convictions under s. 27.* *Section 3 is in second schedule.*
55 Geo. 3. 101. in part.	An Act to regulate the collection of stamp duties and matters in respect of which licences may be granted by the commissioner of stamps in Ireland - - -	In part, namely,— Section thirteen. *The section proposed to be repealed enacts that persons keeping any printing press or types for printing in Ireland, without a licence from the commissioner of stamps, shall forfeit the same and also a penalty of forty pounds.* *Licences under this Act were only valid for one year.*
60 Geo. 3. & 1 Geo. 4. c. 9.	An Act to subject certain publications to the duties of stamps upon newspapers, and to make other regulations for restraining the abuses arising from the publication of blasphemous and seditious libels.	*The part of this Act now in force requires a person who prints any newspaper or pamphlet containing news to enter into a recognizance with sureties to pay any fine imposed on conviction for a blasphemous or seditious libel, and to send a copy of every paper, &c. so printed to the commissioners of stamps.*

Date of Act.	Title of Act, and part repealed.	The parts in italics are explanatory; it is proposed to strike them out at a late stage of the bill.
11 Geo. 4. & 1 Will. 4. c. 73.	An Act to repeal so much of an Act of the sixtieth year of His late Majesty King George the Third, for the more effectual prevention and punishment of blasphemous and seditious libels, as relates to the sentence of banishment for the second offence, and to provide some further remedy against the abuse of publishing libels.	*This Act increases the amount of recognizance under* 60 *Geo.* 3. *&* 1 *Geo.* 4. *c.* 9., *and allows the recognizances to be enforced for paying damages recovered by judgment in an action for libel where the judgment has not been satisfied by execution.* *Section* 1 *is a repeal of part of another Act.*
6 & 7 Will. 4. c. 76. in part.	An Act to reduce the duties on newspapers, and to amend the laws relating to the duties on newspapers and advertisements.	In part, namely,— Except sections one to four (both inclusive), sections thirty-four and thirty-five, and the schedule. *This Act regulates the printing of the date, title, &c. of newspapers, and name of printer, requires a declaration to be made before a newspaper is printed (which declarations are to be registered), a copy of each newspaper to be sent to the commissioners of stamps, and contains other provisions for securing the stamp duties on newspapers and advertisements.* *The parts excepted relate to the stamp duties. Section* 19 *relating to newspapers generally is in second schedule.*
2 & 3 Vict. c. 12.	An Act to amend an Act of the thirty-ninth year of King George the Third, for the more effectual suppression of societies established for seditious and treasonable purposes, and for preventing treasonable and seditious practices, and to put an end to certain proceedings now pending under the said Act.	*The part re-enacted by second schedule is the only part in force.*
5 & 6 Vict. c. 82. in part.	An Act to assimilate the stamp duties in Great Britain and Ireland, and to make regulations for collecting and managing the same until the tenth day of October one thousand eight hundred and forty-five - - - -	In part, namely,— The following words in section twenty "and also licence to any "person to keep any printing "presses and types for printing "in Ireland." *By the part of section* 20 *proposed to be repealed, the taking out of licences by persons keeping printing presses, &c. annually was rendered no longer necessary, and a licence once taken out was declared to be in force until determined by death, or surrendered, or made void by the commissioners.*

Date of Act.	Title of Act, and part repealed.	The parts in italics are explanatory; it is proposed to strike them out at a late stage of the bill.
9 & 10 Vict. c. 33. in part.	An Act to amend the laws relating to corresponding societies and the licensing of lecture rooms.	In part, namely,— So far as it relates to any proceedings under the enactments repealed by this schedule. *This Act requires all prosecutions for offences against* 39 *Geo.* 3. *c.* 79. *to be in the name of the law officers.*
16 & 17 Vict. c. 59. in part.	An Act to repeal certain stamp duties and to grant others in lieu thereof, to amend the laws relating to stamp duties, and to make perpetual certain stamp duties in Ireland - - -	In part, namely,— So much of section twenty as makes perpetual the provisions of 5 & 6 Vict. c. 82. repealed by this Act.

SECOND SCHEDULE.

The enactments in this schedule, with the exception of sect. 19. of 6 & 7 Will. 4. c. 76, do not apply to Ireland.

39 Geo. 3. c. 79.

Section twenty-eight.

Nothing in this Act contained shall extend or be construed to extend to any papers printed by the authority and for the use of either House of Parliament.

Not to extend to papers printed by authority of Parliament.

Section twenty-nine.

Every person who shall print any paper for hire, reward, gain, or profit, shall carefully preserve and keep one copy (at least) of every paper so printed by him or her, on which he or she shall write, or cause to be written or printed, in fair and legible characters, the name and place of abode of the person or persons by whom he or she shall be employed to print the same; and every person printing any paper for hire, reward, gain, or profit who shall omit or neglect to write, or cause to be written or printed as aforesaid, the name and place of his or her employer on one of such printed papers, or to keep or preserve the same for the space of six calendar months next after the printing thereof, or to produce and show the same to any justice of the peace who within the said space of six calendar months shall require to see the same, shall for every such omission, neglect, or refusal forfeit and lose the sum of twenty pounds.

Printers to keep a copy of every paper they print, and write thereon the name and abode of their employer.

Penalty of 20*l.* for neglect or refusing to produce the copy within six months.

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Section thirty-one.

Not to extend to impressions of engravings or the printing names and addresses.

Nothing herein contained shall extend to the impression of any engraving, or to the printing by letter-press of the name, or the name and address, or business or profession, of any person, and the articles in which he deals, or to any papers for the sale of estates or goods by auction or otherwise.

Section thirty-four.

Prosecutions to be commenced within three months after penalty is incurred.

No person shall be prosecuted or sued for any penalty imposed by this Act, unless such prosecution shall be commenced, or such action shall be brought, within three calendar months next after such penalty shall have been incurred.

Part of section thirty-five.

Recovery of penalties.

And any pecuniary penalty imposed by this Act, and not exceeding the sum of twenty pounds, shall and may be recovered before any justice or justices of the peace for the county, stewartry, riding, division, city, town, or place, in which the same shall be incurred, or the person having incurred the same shall happen to be, in a summary way.

Section thirty-six.

Application of penalties.

All pecuniary penalties herein-before imposed by this Act shall, when recovered in a summary way before any justice, be applied and disposed of in manner herein-after mentioned; that is to say, one moiety thereof to the informer before any justice, and the other moiety thereof to His Majesty, his heirs and successors.

51 Geo. 3. c. 65.

Section three.

Name and residence of printers not required to be put to bank notes, bills, &c., or to any paper printed by authority of any public board or public office.

Nothing in the said recited Act of the thirty-ninth year of King George the Third, chapter seventy-nine, or in this Act contained shall extend or be construed to extend to require the name and residence of the printer to be printed upon any bank note, or bank post bill of the Governor and Company of the Bank of England, upon any bill of exchange, or promissory note, or upon any bond or other security for payment of money, or upon any bill of lading, policy of insurance, letter of attorney, deed, or agreement, or upon any transfer or assignment of any public stocks, funds, or other securities, or upon any transfer or assignment of the stocks of any public corporation or company authorized or sanctioned by Act of Parliament, or upon any dividend warrant of or for any such public or other stocks, funds, or securities, or upon any receipt for money or goods, or upon any proceeding in any court of law or equity, or in any inferior court, warrant, order, or other papers printed by the authority of any public board or public officer in the execution of the duties of their respective offices, notwithstanding the whole or any part of the said several securities, instruments, proceedings, matters, and things aforesaid shall have been or shall be printed.

6 & 7 Will. 4. c. 76. A.D. 1869.

Section nineteen.

If any person shall file any bill in any court for the discovery of the name of any person concerned as printer, publisher, or proprietor of any newspaper, or of any matters relative to the printing or publishing of any newspaper, in order the more effectually to bring or carry on any suit or action for damages alleged to have been sustained by reason of any slanderous or libellous matter contained in any such newspaper respecting such person, it shall not be lawful for the defendant to plead or demur to such bill, but such defendant shall be compellable to make the discovery required; provided always, that such discovery shall not be made use of as evidence or otherwise in any proceeding against the defendant, save only in that proceeding for which the discovery is made.

Discovery of proprietors, printers, or publishers of newspapers may be enforced by bill, &c.

2 & 3 Vict. c. 12.

Section two.

Every person who shall print any paper or book whatsoever which shall be meant to be published or dispersed, and who shall not print upon the front of every such paper, if the same shall be printed on one side only, or upon the first or last leaf of every paper or book which shall consist of more than one leaf, in legible characters, his or her name and usual place of abode or business, and every person who shall publish or disperse, or assist in publishing or dispersing, any printed paper or book on which the name and place of abode of the person printing the same shall not be printed as aforesaid, shall for every copy of such paper so printed by him or her forfeit a sum not more than five pounds: Provided always, that nothing herein contained shall be construed to impose any penalty upon any person for printing any paper excepted out of the operation of the said Act of the thirty-ninth year of King George the Third, chapter seventy-nine, either in the said Act or by any Act made for the amendment thereof.

Penalty upon printers for not printing their name and residence on every paper or book, and on persons publishing the same.

Section three.

In the case of books or papers printed at the University Press of Oxford or the Pitt Press of Cambridge, the printer, instead of printing his name thereon, shall print the following words, "Printed at the University Press, Oxford," or "The Pitt Press, Cambridge," as the case may be.

As to books or papers printed at the university presses.

Section four.

Provided always, that it shall not be lawful for any person or persons whatsoever to commence, prosecute, enter, or file, or cause or procure to be commenced, prosecuted, entered, or filed, any action, bill, plaint, or information in any of Her Majesty's courts, or before any justice or justices of the peace, against any person or persons for the recovery of any fine, penalty, or forfeiture made or incurred or which may hereafter be incurred under the provisions of this Act, unless the same be commenced, prosecuted, entered, or filed in the name of Her Majesty's Attorney General or Solicitor General in that part of Great Britain called England, or Her Majesty's Advocate for

No actions for penalties to be commenced except in the name of the Attorney or Solicitor General in England or the Queen's Advocate in Scotland.

A.D. 1869.

Scotland (as the case may be respectively); and if any action, bill, plaint, or information shall be commenced, prosecuted, or filed in the name or names of any other person or persons than is or are in that behalf before mentioned, the same and every proceeding thereupon had are hereby declared and the same shall be null and void to all intents and purposes.

9 & 10 Vict. c. 33.

Section one.

Proceedings shall not be commenced unless in the name of the law officers of the crown.

It shall not be lawful for any person or persons to commence, prosecute, enter, or file, or cause or procure to be commenced, prosecuted, entered, or filed, any action, bill, plaint, or information in any of Her Majesty's courts, or before any justice or justices of the peace, against any person or persons for the recovery of any fine which may hereafter be incurred under the provisions of the Act of the thirty-ninth year of King George the third, chapter seventy-nine, set out in this Act unless the same be commenced, prosecuted, entered, or filed in the name of Her Majesty's Attorney General or Solicitor General in England or Her Majesty's Advocate in Scotland, and every action, bill, plaint, or information which shall be commenced, prosecuted, entered, or filed in the name or names of any other person or persons than is in that behalf before mentioned, and every proceeding thereupon had, shall be null and void to all intents and purposes.

A

B I L L

To repeal certain enactments relating to Newspapers, Pamphlets, and other Publications, and to Printers, Type-founders, and Reading Rooms.

(Prepared and brought in by Mr. Ayrton and Mr. Chancellor of the Exchequer.)

Ordered, by The House of Commons, *to be Printed,* 8 *April* 1869.

[Bill 66.]

Under 1 *oz.*

A

B I L L

TO

Prohibit for a limited period the importation, and to restrict and regulate the carriage, of Nitro Glycerine. A.D. 1869.

WHEREAS the carriage and conveyance of nitro glycerine has been found to be attended with great risk and danger to the lives and property of Her Majesty's subjects, and it is desirable to restrict and regulate such carriage, and in particular to prevent the mischief which might arise from explosions in the removal and landing of nitro glycerine from ships, and for that purpose to prohibit the importation thereof:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Commencement and duration of Act.

1. This Act shall come into operation on the *first day of October one thousand eight hundred and sixty-nine*, and shall continue in force for the period of *one year* next following.

Short title.

2. This Act may be cited for all purposes as "The Nitro Glycerine Act, 1869."

Interpretation.

3. In the interpretation of this Act—

"Nitro glycerine" means the substance called or known by that name, or any other substance having nitro glycerine in any form as one of its component parts or ingredients: "Nitro glycerine:"

"United Kingdom" means the United Kingdom of Great Britain and Ireland, and the islands adjacent thereto: "United Kingdom:"

"Person" includes body corporate, mutatis mutandis. "Person:"

Nitro glycerine not to be imported.

4. So long as this Act shall be in force, it shall not be lawful to import into any part of the United Kingdom from any other country or place any nitro glycerine for any purpose whatever.

[Bill 211.]

A.D. 1869.

Certain acts to be misdemeanors.

5. Every person who shall at any time while this Act shall be in force commit any of the following offences, that is to say,

(1.) Shall unship or land, or attempt to unship or land, any nitro glycerine at any port or place within the United Kingdom; or

(2.) Shall take or receive into his possession at any port or place in the United Kingdom any nitro glycerine which he shall know or believe to have been unlawfully imported into the United Kingdom, except a person seizing such nitro glycerine under the provisions of this Act; or

(3.) Being the master or having the command of any ship or vessel, British or foreign, which shall to his knowledge have any nitro glycerine on board thereof, shall bring such ship or vessel into any port or harbour within the United Kingdom, unless compelled to do so by stress of weather only,

Shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the court, to be imprisoned, with or without hard labour, for any term not exceeding *three years*, or shall forfeit and pay such sum of money not exceeding *one hundred pounds* as such court shall order.

Possession of nitro glycerine within one mile of port to be primâ facie evidence of unlawful receipt.

6. If at any time while this Act shall be in force any nitro glycerine shall be found in the possession of any person within the distance of *one mile* from any port or harbour in the United Kingdom, it shall be evidence, until the contrary be made to appear, that such nitro glycerine was unlawfully imported within the meaning of this Act, and was received by such person into his possession with the knowledge or belief that it had been so unlawfully imported.

Restriction on the carriage of nitro glycerine.

7. So long as this Act shall be in force, it shall not be lawful to carry or convey nitro glycerine by any means whatsoever, and whether by land or water, except within the limits following; that is to say,

(1.) In case such nitro glycerine shall be manufactured after this Act comes into operation, within a distance not exceeding *one mile* from the place where the same is so manufactured:

(2.) In case such nitro glycerine shall either have been manufactured in the United Kingdom, or imported into the United Kingdom before this Act comes into operation, within a distance not exceeding *one mile* from the place where the same shall be stored or deposited at the time when this Act comes into operation.

Penalty for illegal conveyance.

8. Every person who shall, at any time while this Act shall be in force, commit any of the following offences, that is to say,

(1.) Carry or convey, or assist in carrying or conveying, or attempt to carry or convey by any means whatsoever, and whether by land or by water, any nitro glycerine which shall be manufactured after this Act comes into operation, to a greater distance than *one mile* from the place where the same was first manufactured; or,

(2.) When any nitro glycerine shall have been either manufactured within the United Kingdom, or imported into the United Kingdom before this Act comes into operation, shall carry or convey, or assist in carrying or conveying, or attempt to carry or convey by any means, and whether by land or water, any of such nitro glycerine to a greater distance than one mile from the place where such nitro glycerine shall be stored or deposited at the time this Act comes into operation; or,

(3.) Take or receive into his possession at any place in the United Kingdom any nitro glycerine which he shall know or believe to have been improperly carried or conveyed as aforesaid, except a person seizing such nitro glycerine under the provisions of this Act,

Shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the court, to be imprisoned, with or without hard labour, for any term not exceeding *one year*, or shall forfeit and pay such sum of money not exceeding fifty pounds as such court shall order.

Possession of nitro glycerine more than one mile from a place of manufacture to be primâ facie evidence of unlawful receipt.

9. If at any time while this Act shall be in force any nitro glycerine shall be found in the possession of any person at a distance of more than *one mile* from any factory, building, or premises in or upon which the manufacture of nitro glycerine shall at the time being be openly and publicly carried on, it shall be evidence, until the contrary be made to appear, that such nitro glycerine has been unlawfully carried or conveyed to a greater distance than *one mile* from the place where the same was first manufactured, or was stored or deposited at the time when this Act comes into operation.

Justices empowered to grant search warrants, and persons executing the same protected.

10. Any justice of the peace of any county, division, riding, liberty, city, borough, or place in which any nitro glycerine suspected to have been unlawfully imported or unlawfully carried or conveyed within the meaning of this Act is or is supposed to be may, upon reasonable ground, assigned upon oath by any person on information before him, issue a warrant under his hand and seal for

A.D. 1869.

searching in the daytime any house, building, yard, or other place, or any ship, vessel, barge, or boat in which such nitro glycerine is or is supposed to be stored, deposited, or kept; and every person acting in the execution of every such warrant shall have, for seizing, removing to proper places, and detaining all nitro glycerine found upon such search, which he shall reasonably believe to have been unlawfully imported, or unlawfully carried or conveyed, within the meaning of this Act, and the jars, barrels, packages, and cases in which the same shall be, the same powers which are given to persons searching for unlawful quantities of gunpowder, under the warrant of a justice, by an Act passed in the twenty-third and twenty-fourth years of the reign of Her present Majesty, chapter one hundred and thirty-nine, intituled "An Act to amend the law concerning the "making, keeping, and carriage of gunpowder, and compositions of "an explosive nature, and concerning the manufacture, sale, and "use of fireworks."

Nitro Glycerine.

A

B I L L

To prohibit for a limited period the importation, and to restrict and regulate the carriage, of Nitro Glycerine.

(Prepared and brought in by Sir John Hay, Mr. Alderman Lawrence, and Mr. Graves.)

Ordered, by The House of Commons, *to be Printed,* 12 *July* 1869.

[Bill 211.] *Under* 1 *oz.*

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Prohibit for a limited period the importation, and to restrict and regulate the carriage, of Nitro Glycerine. A.D. 1869.

WHEREAS the carriage and conveyance of nitro glycerine has been found to be attended with great risk and danger to the lives and property of Her Majesty's subjects, and it is desirable to restrict and regulate such carriage, and in particular to prevent the mischief which might arise from explosions in the removal and landing of nitro glycerine from ships, and for that purpose to prohibit the importation thereof:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Commencement and duration of Act.

1. This Act shall come into operation on the first day of October one thousand eight hundred and sixty-nine, and shall continue in force for the period of one year next following.

Short title.

2. This Act may be cited for all purposes as "The Nitro Glycerine Act, 1869."

Interpretation.

3. In the interpretation of this Act—

"Nitro glycerine:"

"Nitro glycerine" means the substance called or known by that name, or as glonoine oil, and this Act extends to every substance having nitro glycerine in any form as one of its component parts or ingredients in the same manner as if it were nitro glycerine:

"Court:"

"Court" includes any justices, sheriff, or magistrate exercising jurisdiction under the powers of this Act:

"Person:"

"Person" includes body corporate, mutatis mutandis.

A.D. 1869.

Nitro glycerine not to be imported.

4. So long as this Act shall be in force, it shall not be lawful for any person to import into any part of the United Kingdom from any other country or place any nitro glycerine for any purpose whatever, or,

(2.) To sell any nitro glycerine for any purpose whatever, except to workmen in his employ:

(3.) To carry nitro glycerine along any public highway, canal, river, or navigation:

(4.) Except with such licence and under such regulations as provided in this Act, to make, keep, store, have in his possession, or carry any nitro glycerine.

Every person who acts or attempts to act, or permits any person to act, or is party or privy to acting, in contravention of this section, shall be liable on summary conviction to a penalty not exceeding one hundred pounds, or, in the discretion of the court, to imprisonment for a period not exceeding twelve months, with or without hard labour.

Certain acts to be misdemeanors.

5. Every person who shall at any time while this Act shall be in force commit any of the following offences, that is to say,

Being the master or having the command of any ship or vessel, British or foreign, which shall to his knowledge have any nitro glycerine on board thereof, shall bring such ship or vessel into any port or harbour within the United Kingdom, unless compelled to do so by stress of weather only,

shall on summary conviction be liable, at the discretion of the court, to be imprisoned, with or without hard labour, for any term not exceeding one year, or shall forfeit and pay such sum of money not exceeding one hundred pounds as such court shall order.

Clause A. Regulations and licences by Secretary of State.

6. One of Her Majesty's Principal Secretaries of State may from time to time make, vary, and revoke such regulations as he may think necessary for ensuring safety respecting the making, keeping, storing, possession, and carrying of nitro glycerine.

The Secretary of State may, if he think fit, grant, after such inquiry as he thinks necessary, a licence to any person to make, keep, store, carry, and move nitro glycerine for the purposes of the trade of such person, or for scientific purposes, such licence to be for such period and subject to such conditions, and revocable and determinable under such circumstances, as he thinks fit; but every such licence shall be subject to the provisions of this Act and to the said regulations.

A.D. 1869.

Any person who violates the conditions of his licence shall be deemed to be an unlicensed person.

Any expense incurred by the Secretary of State in making inquiry respecting the propriety of granting a licence, or in inspecting or ascertaining whether the conditions of such licence are observed, or otherwise in respect to such licence, shall be defrayed by the applicant for a licence or the licensee (as the case may be).

Clause B. Exemption by Secretary of State of composite substances from prohibition on carriage.

7. If it is shown to the satisfaction of one of Her Majesty's Principal Secretaries of State that any substance having nitro glycerine in any form as one of its component parts or ingredients can safely be carried along any public highway, canal, river, or navigation, the Secretary of State may by order permit such substance to be so carried with such precautions (if any) as he thinks fit to specify in the order.

Such order shall be published in the London Gazette, and thereupon such substance shall, if carried in accordance with the provisions of the order, be exempted from the prohibition on carriage contained in this Act.

Every such order shall be laid before both Houses of Parliament as soon as may be after it is made.

Clause C. Search for nitro glycerine.

8. Nitro glycerine may be searched for in the same manner, under the same warrants, and subject to the same conditions in, under, and subject to which gunpowder may be searched for in pursuance of the Act of the session of the twenty-third and twenty-fourth years of the reign of Her present Majesty, chapter one hundred and thirty-nine; and all the provisions of the said Act relating to searching for gunpowder are hereby incorporated with this Act, and shall for the purposes of this Act be construed as if the word "gunpowder" in such provisions included nitro glycerine as defined by this Act, and as if the Act therein referred to were this Act, and those provisions shall be construed to extend to nitro glycerine imported or sold contrary to this Act.

Nitro Glycerine.

A

BILL

[AS AMENDED IN COMMITEE]

To prohibit for a limited period the importation, and to restrict and regulate the carriage, of Nitro Glycerine.

(*Prepared and brought in by Sir John Hay, Mr. Alderman Lawrence, and Mr. Graves.*)

Ordered, by The House of Commons, *to be Printed,* 22 *July* 1869.

[Bill 235.]

Under 1 *oz.*

A

B I L L

INTITULED

An Act to amend so much of the Act of the session of the sixth and seventh years of the reign of Her present Majesty, chapter thirty-five, as provides that Norfolk Island is to be part of the diocese of Tasmania. A.D. 1869.

WHEREAS by the said Act of the session of the sixth and seventh years of the reign of Her present Majesty, chapter thirty-five, and letters patent made in pursuance of the said Act, Norfolk Island is annexed to and is taken to be part of the diocese of Tasmania: And whereas it is expedient to facilitate any arrangement that may be entered into with respect to the diocese to which Norfolk Island is hereafter to belong: Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited for all purposes as "The Norfolk Island Bishopric Act, 1869." Short title of Act.

2. There shall be repealed so much of the said Act of the session of the sixth and seventh years of the reign of Her present Majesty, chapter thirty-five, and of the letters patent made in pursuance of the said Act, as provides that Norfolk Island is to be annexed to and to be taken to be part of the diocese of Tasmania. Repeal of Act providing that Norfolk Island is to be part of the diocese of Tasmania.

Norfolk Island Bishopric. [H.L.]

A

B I L L

INTITULED

An Act to amend so much of the Act of the session of the sixth and seventh years of the reign of Her present Majesty, chapter thirty-five, as provides that Norfolk Island is to be part of the diocese of Tasmania.

(*Brought from the Lords* 30 *April* 1869.)

Ordered, by The House of Commons, *to be printed*, 3 *May* 1869.

[Bill 104.]

Under 1 *oz.*

A

B I L L

FOR

Regulating the Compensation to be paid on the abolition of Public Offices. A.D. 1869.

WHEREAS by the Superannuation Act, 1859, provision is made for granting compensation to persons in the permanent civil service of the State who may suffer loss in consequence of the abolition of their offices; and whereas it is expedient to make a general regulation with respect to the compensation to be given to holders of offices which may be abolished by Parliament for the purpose of facilitating improvements in the organization of the public departments or producing greater efficiency or economy in the public service:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Compensation in respect of the abolition of public offices.

1. With the exceptions herein-after mentioned, whenever, after the passing of this Act, any public office is abolished, the provisions of the Superannuation Act, 1859, shall apply to and regulate the compensation to be awarded to the person holding such office at the time of its abolition, if entitled to compensation for the loss of his office, whatever may be the tenure by which it is held, and the provisions of any Act of Parliament relating to such office and inconsistent with this Act shall be deemed to be repealed.

Definition of public office.

2. "Public office" shall mean any office, not being military or naval, the holder of which is paid his salary or any part of his salary out of all or any of the following funds:—

(1.) The Consolidated Fund:

(2.) Monies provided by Parliament:

(3.) Monies raised by fees or otherwise to meet the costs of the salaries and expenses of any court of justice or of any public department.

Also any office the compensation in respect of the abolition of which is payable out of the above-mentioned funds or any of them.

[Bill 246.]

A.D. 1869.

Exceptions from Act.

3. There shall be excepted from the operation of this Act :—

(1.) Any person appointed to an office, the abolition of which is provided for at or before the time of his being appointed to the office, and the compensation in respect of which abolition is settled by Act of Parliament at or before that time :

(2.) Any person to whom the provisions of the Superannuation Act, 1859, apply otherwise than by virtue of this Act :

(3.) Any of the officers specified in the schedule hereto.

Moreover, where any person who has been appointed to his office before the passing of this Act holds such office during good behaviour or under letters patent from the Crown, the provision in section seven of the said Superannuation Act, 1859, restricting the allowance to be granted by the Commissioners of the Treasury to two-thirds of the salary and emoluments of his office shall not apply to such person.

Short title of Act.

4. This Act may be cited for all purposes as "The Offices Abolition Act, 1869," and in any Act of Parliament relating to compensation to officers whose offices may be abolished this Act may be referred to by inserting the words "compensation shall be "made to the persons whose offices are abolished by this Act, in "manner provided by "The Offices Abolition Act, 1869," " or words to that effect.

SCHEDULE.

Judges in England of the Superior Courts of Equity and Common Law, of the Admiralty Court, or Court of Probate.

Judges of the Court of Session in Scotland.

Judges in Ireland of the Superior Courts of Equity or Common Law, of the Admiralty Court, or Court of Probate.

Offices Abolition.

A

B I L L

For regulating the Compensation to be paid on the abolition of Public Offices.

(*Prepared and brought in by Mr. Stansfeld and Mr. Ayrton.*)

Ordered, by The House of Commons, *to be Printed,* 29 *July* 1869.

[Bill 246.]

Under 1 *oz.*

A

B I L L

TO

Disable Daniel O'Sullivan, Esquire, from holding, enjoying, or taking the office of Mayor or Justice of the Peace, or any office or place of Magistracy in the City of Cork, or elsewhere, in Ireland. A.D. 1869.

WHEREAS Daniel O'Sullivan, Esquire, has been for some time past and now is Mayor of the city of Cork, and by virtue of his said office of mayor is during his year of office a justice of the peace of the said city:

And whereas the said Daniel O'Sullivan, being such mayor and justice of the peace, has, while sitting as such justice in the said city, so misconducted himself as to bring the administration of the law into disrepute and contempt, and, while he was such mayor, has in the said city uttered language of a seditious and scandalous character, and has held up to public approbation the conduct of one O'Farrell in firing at the Prince His Royal Highness the Duke of Edinburgh in Australia:

And whereas it will tend to the better administration of justice that the said Daniel O'Sullivan should no longer hold or exercise the office of mayor or justice of the peace in the said city, or any other office or place of magistracy elsewhere in Ireland:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

D.O'Sullivan disabled from holding office of mayor, &c.

1. The said Daniel O'Sullivan shall be, and he is hereby, from and immediately after the passing of this Act, disabled and made incapable to have, hold, exercise, or enjoy the said office of Mayor of the said city of Cork, or of justice of the peace therein, and the said Daniel O'Sullivan shall be and he is for ever hereafter disabled and rendered incapable to have, hold, exercise, or enjoy any office

A.D. 1869.

or place of magistracy in the said city of Cork, or elsewhere, in Ireland.

New mayor to be chosen.

2. Immediately after the passing of this Act a new mayor shall be chosen for the said city of Cork in the room of the said Daniel O'Sullivan, in the same manner as if the said Daniel O'Sullivan was naturally dead.

O'Sullivan's Disability.

A

B I L L

To disable Daniel O'Sullivan, Esquire, from holding, enjoying, or taking the office of Mayor or Justice of the Peace, or any office or place of Magistracy in the City of Cork, or elsewhere, in Ireland.

(*Prepared and brought in by*
The Attorney General for Ireland and
Mr. Chichester Fortescue.)

Ordered, by The House of Commons, *to be printed,*
5 *May* 1869.

[Bill 108.]

Under 1 *oz.*

A

B I L L

TO

Remove doubts as to the validity of certain Statutes made by the Convocation of the University of Oxford. A.D. 1869.

WHEREAS by an Act passed in the seventeenth and eighteenth years of the reign of Her Majesty Queen Victoria, chapter eighty-one, it was, amongst other things, enacted, that every Statute framed by the Hebdomadal Council of the said University should be promulgated in Congregation, and should also be proposed there for acceptance or rejection, and should, if accepted by Congregation, be afterwards submitted to Convocation for final adoption or rejection as a Statute of the University: 17 & 18 Vict. c. 81.

And whereas since the passing of the said Act a practice has prevailed in the said University of dividing Statutes about to be proposed or submitted into separate portions, in order that the separate portions might be put successively to the vote:

And whereas doubts have arisen whether the aforesaid practice was authorized by the provisions of the said Act, and whether Statutes which were so divided have been regularly made, and are now valid as Statutes of the University, and it is expedient that such doubts should be removed, which cannot be done without the authority of Parliament:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. No Statute which heretofore and since the passing of the aforesaid Act has been submitted to and finally adopted by the Convocation of the University of Oxford shall be deemed to be or to have been invalid as a Statute of the University by reason only of any irregularity in the mode of proposing the same in Congregation, or otherwise in the making thereof; and every such Statute No Statute to be deemed to be invalid by reason only of any irregularity in the mode of proposing

A.D. 1869.

same in Congregation.

shall be deemed to be and to have been valid to the same extent (but not further or otherwise) as if it had been regularly made pursuant to the provisions of the same Act.

Oxford University Statutes.

A

BILL

To remove doubts as to the validity of certain Statutes made by the Convocation of the University of Oxford.

(*Prepared and brought in by Mr. Gathorne Hardy and Mr. Mowbray.*)

Ordered, by The House of Commons, *to be Printed,* 28 *May* 1869.

[Bill 136.]

Under 1 *oz.*

A

B I L L

TO

Confirm certain Orders made by the Board of Trade under The Sea Fisheries Act, 1868, relating to Donibristle (Firth of Forth) and the Holy Loch (Firth of Clyde). A.D. 1869.

WHEREAS an Order made by the Board of Trade under The Sea Fisheries Act, 1868, is not of any validity or force whatever until the confirmation thereof by Act of Parliament: 31 & 32 Vict. c. 45.

And whereas it is expedient that the several Orders made by the Board of Trade under the said Act, and set out in the schedule to this Act, be confirmed by Act of Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. The several Orders set out in the schedule to this Act shall be and the same are hereby confirmed, and all the provisions thereof in manner and form as they are set out in the said schedule shall, from and after the passing of this Act, have full validity and force. Confirmation of Orders in schedule.

2. This Act may be cited as The Oyster and Mussel Fisheries Orders Confirmation Act, 1869. Short title.

A.D. 1869.

The SCHEDULE of Orders.

1. DONIBRISTLE (FIRTH OF FORTH).—Establishment and Maintenance of Several Oyster Fishery.
2. HOLY LOCH (FIRTH OF CLYDE).—Establishment and Maintenance of Several Oyster and Mussel Fishery.

DONIBRISTLE OYSTER FISHERY.

ORDER for the establishment and maintenance by the Right Honourable Archibald George Earl of Moray of a Several or Exclusive Oyster Fishery at Donibristle in the estuary of the Firth of Forth in the county of Fife.

1. The Earl of Moray and his successors in the earldom and estates of Moray shall be the Undertakers of the fishery mentioned in this Order.

2. The following are the Undertakers' fishery grounds under this Order (as shown on plans deposited at the Board of Trade), namely, all those parts of the foreshore and bed of the Firth of Forth situate within the several parishes of Aberdour and Dalgetty in the county of Fife, and bounded as follows: on the south by an imaginary straight line drawn from the south-west point of the island of Inchcolm to the headland which is immediately to the east of the port of St. David's in Inverkeithing Bay; on the east by an imaginary line drawn from the northermost point of St. Colm's Abbey in the said island of Inchcolm to a point due north thereof on the shore of the said firth; and on the north by the high-water mark of the said Earl's estate of Donibristle, and containing an area of 1,120 acres or thereabout.

3. This Order confers on the said Earl of Moray and his successors, as aforesaid, a right of several or exclusive oyster fishery within the limits above mentioned.

4. The limits of the said several fishery shall on the coast of the said county of Fife be marked out by two posts or beacons painted white placed at the eastern and western extremities of the fishery above the line of high-water mark, or in such other manner as the Board of Trade shall from time to time approve.

5. In the event of the marks by the last foregoing article being destroyed or removed by storm or otherwise, they shall be replaced by the Undertakers with all reasonable despatch, and notice of the said limits may be given to fishermen, dredgermen, and other persons as follows:

(1.) By notice boards erected on the shore of that portion of the island of Inchcolm or county of Fife which adjoins the fishery;

(2.) By advertisement in the London "Shipping and Mercantile Gazette," the "Scotsman," and also some other newspaper published and circulating in the county of Fife. A.D. 1869.

6. No buildings, erections, embankments, or other works shall at any time be commenced or executed within the limits above described, without the previous sanction and approval in writing of the Board of Trade.

7. The Undertakers shall render to the Board of Trade such accounts of their capital, expenditure, and income, and of all oysters sold by them, in such form and at such times as the Board of Trade may require, and shall allow the Board of Trade, or any person appointed by the Board of Trade, to inspect the fishery, and all books and documents in their possession relating thereto, and shall give to such board or person all such information relating thereto as they or he may require.

8. This Order shall continue in operation for sixty years from its confirmation by Act of Parliament, and no longer.

9. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade by "The Crown Lands Act, 1866."

10. This Order may be cited as "The Donibristle Fishery Order, 1869."

HOLY LOCH OYSTER AND MUSSEL FISHERY.

ORDER for the Establishment and Maintenance by James Hunter, Esquire, of Hafton, of a Several Oyster and Mussel Fishery at Ardnadam, in the Holy Loch, Firth of Clyde, in the county of Argyll.

1. James Hunter, Esquire, of Hafton, his heirs and assignees, shall be the Undertakers of the fishery mentioned in this Order. Undertakers.

2. The following are the Undertakers' fishery grounds under this Order, as shown on a plan marked "Plan of Holy Loch Oyster and Mussel Fishery, 1869," and deposited at the Board of Trade, namely, all those parts of the foreshore and bed of the Holy Loch situate within the united parish of Dunoon and Kilmun, in the county of Argyll, containing an area of three hundred and seven imperial acres, or thereabouts, and bounded as follows; that is to say, by a straight line drawn from Lazaretto Point, on the west shore of the Holy Loch, in a north-easterly direction into the Holy Loch, to a point five hundred and fifty feet or thereby from high-water mark; thence by a curved line drawn in a north-westerly and afterwards in a northerly and north-easterly direction through the Holy Loch, following ten fathoms water at low tides, to a point five hundred feet or thereby seaward of the confluence of the river Meikle Echaig with the Holy Loch at low-water mark; thence in a north-westerly direction, by the west side of the channel of the said river Meikle Echaig, to an island below and near to the junction of the Limits of fishery.

A.D. 1869.

rivers Meikle Echaig and Little Echaig; thence in a straight line by the lower end of the said island to the Lands of Orchard; and thence by a curved line following the windings of the line of high-water mark of ordinary spring tides of the Holy Loch, in a westerly and southerly direction along the shore to the said Lazaretto Point (excepting therefrom all that part of the foreshore between high and low-water mark of ordinary spring tides lying opposite the village of Sandbank, extending from a point three hundred feet or thereby north-west of the house known as the Argyll Hotel to a point three hundred feet or thereby west of Ardnadam Pier); as the said boundaries are delineated and coloured red on the said plan deposited at the Board of Trade: Provided that nothing in this Order shall in any way prejudice or affect the title to the soil, or any question relating thereto.

Right of several fishery.

3. This Order confers on the said James Hunter, his heirs and assignees, a right of several oyster and mussel fishery within the limits above described.

Marking of limits.

4. The limits of the said several fishery shall be marked out as follows; that is to say,

(1.) Where such limits are seaward beyond low-water mark, by buoys painted black and placed at intervals, as shown on the said deposited plan:

(2.) On the west bank of the channel of the river Meikle Echaig, where it crosses the foreshore and enters the Holy Loch, by three booms or posts painted black and placed at intervals; and by a beacon at high-water mark on the shore of the Lands of Orchard, opposite the lower end of the said island, as shown on the said deposited plan:

(3.) Where such limits are landward, by the line of high water of ordinary spring tides:

or in such other manner as the Board of Trade shall from time to time approve; and the limits of the said excepted part of the foreshore opposite the village of Sandbank shall be marked out—

(1.) On the land side, by beacons on the shore three hundred feet from the Argyll Hotel and Ardnadam Pier respectively; and,

(2.) On the sea side, by booms or posts painted black and placed at intervals along the line of low-water mark of ordinary spring tides, as shown on the said deposited plan:

or in such other manner as the Board of Trade shall from time to time approve.

Notice to be given if marks obliterated.

5. In the event of the marks by the immediately preceding article prescribed being obliterated by storm or unavoidable accident, notice of the said limits may be given to fishermen, dredgermen, and other persons, as follows; that is to say, by advertisements inserted once in each of two successive weeks in one newspaper published in Glasgow and one newspaper published in Greenock, and generally circulating in the county of Argyll; by notices delivered at the Custom House of Greenock; and by notices affixed to notice boards erected at or near the said several fishery: Provided that the marks by the immediately preceding article prescribed shall be replaced as soon as practicable after any such storm or accident.

6. No buildings, erections, embankments or other works, other than the marks mentioned in Article 4 of this Order, shall at any time be commenced or executed within the limits above described, without the previous sanction and approval in writing of the Board of Trade.

Works not to be commenced without assent of Board of Trade.

7. The Undertakers shall render to the Board of Trade such accounts of their capital, expenditure, and income, and of all oysters and mussels sold by them, in such form and at such times as the Board of Trade may require, and shall allow the Board of Trade, or any person appointed by the Board of Trade, to inspect the fishery, and all books and documents in their possession relating thereto, and shall give to such Board or person all such information relating thereto as they or he may require.

Undertakers to give accounts of capital, receipts, and expenditure, and of oysters and mussels sold.

8. Nothing contained in this Order shall take away, lessen, or prejudice any rights or claims to salmon fishings or fishings for other fish of the salmon kind, in the Holy Loch or in the river Meikle Echaig; and the Undertakers shall not at any time fish with a dredge, or dredge for oysters or mussels within three hundred feet of the channel and outfall of the said river Meikle Echaig.

Saving rights of salmon fishing.

9. Nothing contained in this Order shall take away, lessen, or prejudice the rights of the public to the free use as heretofore of the passage or road across the foreshore at the head of the Holy Loch, known as the Anemoigne Road or Ford, from the point where the said road or ford leaves the public road from Sandbank to Dallelongart, opposite to the house of Broxwood, to the north west boundary of the fishery mentioned in this Order.

Saving certain rights of way.

10. This Order shall continue in operation for sixty years from its confirmation by Act of Parliament, and no longer.

Time of operation.

11. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges, transferred to the management of the Board of Trade by "The Crown Lands Act, 1866."

Saving rights under "Crown Lands Act, 1866."

12. This Order may be cited as "The Holy Loch Fishery Order, 1869."

Short title.

Oyster and Mussel Fisheries Supplemental.

A

B I L L

To confirm certain Orders made by the Board of Trade under The Sea Fisheries Act, 1868, relating to Donibristle (Firth of Forth) and the Holy Loch (Firth of Clyde).

(*Prepared and brought in by Mr. Lefevre and Mr. John Bright.*)

Ordered, by The House of Commons, *to be Printed,* 13 *April* 1869.

[Bill 76.]

Under 1 *oz.*

A

B I L L

INTITULED

An Act to legalize certain Marriages celebrated at Park Gate Chapel, and to change the name of the District Chapelry annexed to the Chapel of Cowgill. A.D. 1869.

WHEREAS a certain chapel was consecrated at Park Gate, in the parish of Rawmarsh, in the county and diocese of York, on the sixth day of August one thousand eight hundred and sixty-eight:

And whereas by an Order of Her Majesty in Council bearing date the seventeenth day of March one thousand eight hundred and sixty-nine a consolidated chapelry was annexed to the said chapel:

And whereas between the said sixth day of August one thousand eight hundred and sixty-eight and the said seventeenth day of March one thousand eight hundred and sixty-nine, certain marriages were solemnized in the said chapel according to the rites and usages of the United Church of England and Ireland:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Marriages not invalid, &c.

1. That none of these marriages shall be invalid by reason of its having been celebrated in a church or chapel not duly licensed for marriages.

Change of name of district chapelry.

2. Whereas by an Order in Council bearing date the ninth day of September one thousand eight hundred and sixty-five, a district chapelry was annexed to the chapel of Cowgill, in the parochial chapelry of Dent, in the parish of Sedbergh, in the county of York and diocese of Ripon, to be called by the name of the District Chapelry of Kirkthwaite, such district chapelry shall henceforth be called by the name of the "District Chapelry of Cowgill," and not by the name of "the District Chapelry of Kirkthwaite."

Park Gate Chapel Marriages, &c. [H.L.]

A

B I L L

INTITULED

An Act to legalize certain Marriages celebrated at Park Gate Chapel, and to change the name of the District Chapelry annexed to the Chapel of Cowgill.

(*Brought from the Lords* 4 *May* 1869.)

Ordered, by The House of Commons, *to be printed*, 6 *May* 1869.

[Bill 111.]

Under 1 *oz.*

A

B I L L

TO

Amend the Law relating to the appointment of Parochial Schoolmasters in Scotland. A.D. 1869.

WHEREAS it is expedient that the law relating to the appointment of parochial schoolmasters in Scotland should be altered, so as to be better adapted to the present state of that part of the United Kingdom, by the removal of the restrictions imposed by the Act forty-third George the Third, chapter fifty-four, section twenty-two, limiting the number of heritors entitled to vote in such appointments, and that the ancient right of voting, previously enjoyed from time immemorial, should be restored:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Repeal of sect. 22 of recited Act.

1. Section twenty-two of the said recited Act (which deprives all heritors or proprietors of lands in the parish of the right to vote in the appointment of schoolmasters whose valued rent, according to an ancient valuation made before the period of the Union, as appearing in the books of the county, is under one hundred pounds Scots) is hereby repealed, and after the passing of this Act all heritors or owners of land in the parish appearing in the said land tax valuation books, and who are liable to be assessed on their valued rent as aforesaid for payment of schoolmasters salary and the erection or repair of the parochial school-house and schoolmaster's dwelling-house, shall be entitled to vote in the appointment of schoolmasters: Provided that no such heritor or proprietor of lands shall be entitled to vote unless the property appearing in the said land tax valuation books, and on which he is assessed as aforesaid, would, according to the present annual rent or value thereof, entitle him to be registered and to vote in the election of a member of Parliament for the county in which such parish is situated.

Short title.

2. This Act may be cited as "The Appointment of Parochial Schoolmasters Amendment Act, 1869."

[Bill 72.]

Parochial Schoolmasters (Scotland).

A

B I L L

To amend the Law relating to the appointment of Parochial Schoolmasters in Scotland.

(*Prepared and brought in by Mr. M'Laren, Sir Edward Colebrooke, and Mr. Fordyce.*)

Ordered, by The House of Commons, *to be Printed*, 12 *April* 1869.

[Bill 72.]

Under 1 *oz.*

A

B I L L

INTITULED

An Act to extend and improve the Parochial Schools of Scotland, and to make further provision for the Education of the People of Scotland. A.D. 1869.

[Note.—*The Words, Clauses, and Schedule printed in Red Ink are proposed to be inserted in Committee.*]

WHEREAS an Act was passed by the Parliament of Scotland, in the First Parliament of King William, in the year one thousand six hundred and ninety-six, intituled "Act for settling of Schools:" And whereas another Act was passed in the session of the forty-third year of the reign of His Majesty King George the Third, chapter fifty-four, intituled "An Act for making better "provision for the Parochial Schoolmasters, and for making further "regulations for the better government of the Parish Schools, in "Scotland;" and another Act was passed in the session of the first and second years of the reign of Her present Majesty, chapter eighty-seven, intituled "An Act to facilitate the foundation and "endowment of additional Schools in Scotland;" and another Act was passed in the session of the twenty-fourth and twenty-fifth years of the reign of Her present Majesty, chapter one hundred and seven, intituled "The Parochial and Burgh Schoolmasters (Scotland) Act, 1861:" And whereas it is desirable that the present system of parochial schools in Scotland should be extended and enlarged, and that provision should be made for the improvement of existing schools other than parochial schools, and for the supply of additional schools throughout Scotland: Act of 1696. 43 Geo. 3. c. 54. 1 & 2 Vict. c. 87. 24 & 25 Vict. c. 107.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. In this Act the following words shall have the meanings hereby assigned to them: Definitions.

"Committee of Council" shall mean the Committee of Her Majesty's Most Honourable Privy Council for Education: "Committee of Council:"

A.D. 1869.

"The board:" The "board" shall mean the board of education established by this Act:

"Parochial school:" "Parochial school" shall mean and include every school provided for under the recited Act of the forty-third year of the reign of His Majesty George the Third, chapter fifty-four, or the "Parochial and Burgh Schoolmasters (Scotland) Act, 1861," and

Side school teacher: every school taught by a teacher appointed under the eleventh section of the recited Act of the forty-third year of the reign of His Majesty George the Third, chapter fifty-four:

"Parliamentary school:" "Parliamentary school" shall mean any school established or to be established under the said recited Act of the first and second years of the reign of Her Majesty, chapter eighty-seven:

"Burgh:" "Burgh" shall include and apply to cities, burghs, and towns which are royal burghs, or which send or contribute as burghs to send a member to Parliament:

"Limits of burghs:" "Limits of a burgh" shall mean the boundaries of any burgh as the same are ascertained and fixed under the provisions to that effect contained in the "Prisons (Scotland) Administration Act, 1860:"

"Town councils:" "Town councils" shall include the lord provost or provost or chief magistrate, and the magistrates and council of burghs:

"Landward parish:" "Landward parish" shall mean any parish the whole or any portion of which is situate without the limits of any burgh:

"The limits of a landward parish:" "The limits of a landward parish" shall mean any such parish, exclusive of such portion as may be situate within the limits of any burgh:

"Lands and heritages:" "Valuation roll:" "Lands and heritages" and "valuation rolls" shall have the same meanings as are assigned to these words in an Act passed in the session held in the seventeenth and eighteenth years of the reign of Her Majesty, chapter ninety-first, intituled "An Act for "the valuation of lands and heritages in Scotland;" and another Act to amend the same, passed in the session held in the twentieth and twenty-first years of the same reign, chapter fifty-eight:

"Ratepayer of a parish:" "Ratepayer of a parish" shall mean every person whose name shall for the time being appear as proprietor or tenant and occupant of lands and heritages within such parish to any value above four pounds on the valuation rolls of any county or burgh, made up in terms of the Acts last herein-after mentioned:

"The heritors:" "The heritors" shall mean heritors qualified in terms of the said recited Act of the forty-third year of the reign of His Majesty George the Third, chapter fifty-four:

"Secretary of State." The "Secretary of State" shall mean one of Her Majesty's Principal Secretaries of State.

A.D. 1869.

Constitution of the Board and their Secretary.

Board of Education for Scotland established.

2. A Board of Education is established by this Act for carrying into effect the purposes thereof which shall be called "The Board of Education for Scotland," which shall be composed of three persons to be appointed by Her Majesty by writing under the hand of the Secretary of State, one of which three persons shall by the said writing be appointed chairman; and such three persons and their successors shall each receive an adequate salary, and Her Majesty shall have power, in the event of any vacancy occurring by the death, resignation, or otherwise of any such persons, to fill up such vacancy by another appointment under a like writing.

Secretary.

3. Her Majesty, by any writing under the hand of the Secretary of State, may appoint a person to be secretary to the board, and in the event of any vacancy occurring by the death, resignation, or otherwise of any such person Her Majesty may in like manner appoint another person to be the secretary to the board; and every secretary shall be removable from his office by Her Majesty on the application of the board, and with the sanction, in writing, of the Secretary of State.

Meetings of the Board.

Meeting of the board. Three members to be a quorum.

4. The seat of the board shall be in Edinburgh, and the general meetings of the board shall be held there, and the Secretary of State shall fix the time and place at which the first meeting of the board shall be held, and also the period of the year at which the board shall hold half-yearly general meetings, and may from time to time on the representation of the board, if he shall see fit, alter the period of the year for such half-yearly meetings, and at all meetings of the board two members shall be a quorum, with power to act in all matters hereby committed to the board, and the board shall have power from time to time to adjourn any meeting, and to hold special meetings at such time and place as they may think fit; and from and after the date fixed for the first meeting of the board all orders and proceedings of the board shall be valid, notwithstanding any vacancies among the members thereof; and it shall be the duty of the chairman of the board, not only to attend at the general and the special or adjourned meetings, but to give regular attendance for the purpose of conducting the business of the board; provided that in case of the absence of the chairman at any meeting the senior member of the board present may act as chairman of such meeting.

A.D. 1869.

Power to appoint committees.

5. The board shall have power, as often as they may deem fit to appoint any one or two of their number as a committee for the purposes of this Act; and it shall be lawful for such committee, in transacting the business committed to him or them, to exercise all the powers necessary for that purpose which are by this Act given to the board; and such committee shall be bound to report to the board at such time or times as they shall direct, and, failing such direction, shall report to the board at their next general statutory meeting.

Power to make rules and regulations, which shall be laid before Parliament.

6. It shall be lawful for the board, from time to time as they shall see occasion, to make general rules and regulations for conducting the business of the board, for appointing forms of procedure in exercising the jurisdiction of the board, and generally for carrying into effect the powers and authorities hereby conferred upon them, and to alter such rules and regulations; and such rules, regulations, and alterations, or a copy thereof, shall, in January of each year, be printed in such form as to show separately all rules and regulations cancelled or modified, and all new regulations, and shall annually be laid on the table of both Houses of Parliament within one calendar month from the meeting thereof: provided that such rules, regulations, or alterations as aforesaid shall not have any effect or operation until the same shall have been submitted to Parliament, and laid on the table of both Houses for at least one calendar month.

Board to keep a record, and submit report to President of Council, which shall be laid before Parliament.

7. The board shall make a record of their proceedings, in which shall be entered minutes of all meetings held by them, or any committee appointed by them, and all resolutions passed and orders made by them, and all other matters which the board may judge proper; and the board shall once in every year submit to the President of Her Majesty's Privy Council a general report of their proceedings, which report shall contain in particular a full statement as to the national schools herein-after mentioned in Scotland, and the funds raised for building, enlarging, and maintaining such schools; and every such report shall be laid before both Houses of Parliament within six weeks after the receipt of the same by such President of the Council, if Parliament be then sitting, or if Parliament be not sitting then within six weeks of the next meeting thereof.

Parochial Schools.

Parochial and parliamentary schools shall be

8. Every parochial school and every parliamentary school is hereby declared to be a "national school," and shall from and after

the passing of this Act be designated "an old national school," and shall continue to be managed and regulated in like manner as is provided in regard to such school by the Acts relating thereto now in force, except so far as may be otherwise provided by this Act.

old national schools, and shall continue to be managed as at present.

9. If it shall appear to the board that one old national school is sufficient for the educational wants of two or more parishes, the board may resolve, with the consent of the heritors and ministers of such parishes respectively, that such parishes shall be united and form an united parish as regards such school, and issue an order accordingly, and such school shall be deemed to be an old national school, and shall as such be managed and regulated by the heritors and ministers of the parishes so united, unless such school shall be converted into a new national school in manner herein-after provided: Provided always, that the schoolmaster of every school which the board in pursuance of such resolution shall order to be discontinued as an old national school shall be entitled during his life to receive from the heritors who are at the time of discontinuance liable in the same the amount of salary to which he shall be entitled by law at the date of such resolution: Provided also, that it shall be lawful for the school committee or heritors to employ any such teacher in any school within the bounds of their parish so long as they pay the salary as above provided; and in the event of any teacher refusing to teach such school his salary shall thereafter cease and determine.

Union of parochial schools.

From and after the passing of this Act, it shall not be competent to the heritors and minister to divide any salary among two or more teachers, under the provisions of the said recited Act passed in the session held in the forty-third year of the reign of His Majesty George the Third, without obtaining the sanction of the board, testified by a resolution passed by them to that effect.

CLAUSE A. Side schools.

Power to adopt or erect schools.

10. It shall be the duty of the board from time to time to ascertain and fix, as regards each parish and burgh in Scotland, what number of schools is necessary in order to provide adequate means of instruction within such parish or burgh, and to decide with regard to each of such parishes and burghs whether any school or schools in addition to the existing parochial and parliamentary schools ought to be adopted or erected therein under this Act, and for these purposes the board shall have power to call for the attendance of all persons, and for delivery of and access to all such documents, as

Board to fix as to each parish or burgh the number of schools required.

A.D. 1869.

may seem to them necessary, and may, by themselves, or by those authorized by them, enter, inspect, and examine all schools, school-houses, and such other buildings as to them may seem expedient, and each of the schools so adopted or erected by the board shall be deemed a "national school."

Board, with the sanction of the Lords of the Treasury, may appoint special commissioners.

11. For the purpose of enabling the board to fix the number of schools required in any parish or burgh, and to ascertain the condition of the school buildings, and the quality of the education furnished in the schools in Scotland, and to conduct special inquiries or make special reports, it shall be lawful for the board, from time to time, to appoint one or more special commissioners upon such terms, for such periods, and at such remuneration as may be sanctioned by the Lords of the Treasury; and such special commissioner or commissioners, when appointed, shall visit such districts, and enter and examine such schools, and render such reports, as he or they may be required to visit, enter, examine, and render by the board.

Board, with the sanction of a majority of the trustees, managers, or proprietors of any school, may adopt any school.

12. It shall be lawful for the board, with the consent of the trustees, managers, or proprietors of any school (other than an old national school), or, in the event of such school being maintained from a central fund, with the consent also of a majority of the trustees of such fund, which consent shall be testified by a declaration to that effect, signed by a majority of such trustees, managers, or proprietors, and upon such terms as may be agreed upon between the board and such trustees, managers, or proprietors, to resolve that any such school shall be adopted and established as a national school, and thenceforth such school shall be and shall be designated "an adopted national school," and shall continue to be managed and regulated in like manner as it was managed and regulated before the passing of such resolution, except so far as may be agreed upon between the board and a majority of the managers, trustees, or proprietors of such school, and except so far as may be otherwise provided by this Act: Provided that the board may, at the desire of the trustees, managers, or proprietors, insert in the terms of agreement upon which such school is adopted any dates or periods, one or more, at which such agreement may be terminated by the trustees, managers, or proprietors, so that such school may then cease to be a national school: Provided also, that a majority of the trustees, managers, or proprietors for the time being of any such school shall have power and authority to agree to such terms as may be proposed by the board, after hearing all parties interested, notwithstanding the conditions and limitations contained in any feu charter or disposition or other deed relating to such school: Provided also, that

when a portion of any parliamentary grant shall have been or shall be applied towards the erection of any such school, such agreement may be made without the consent of the Secretary of State for the Home Department for the time being: Provided also, that the trustees or owners of any adopted national school may at any time, on giving one year's notice to the board, terminate the agreement and withdraw such school.

Board may resolve to erect new schools.

13. It shall be lawful for the board from time to time to resolve that it is expedient that one or more new schools should be provided, erected, and established in any parish or burgh, and to fix the situation of such new school or schools with the assent of the proprietor of such situation, or, in the event of no suitable situation being obtainable, with the consent of the proprietor thereof, the board may apply to the sheriff to fix the situation, and it shall be lawful for the sheriff, after due notice given and after hearing parties, to fix the situation; and the board shall direct such resolution, and the decision, if any, of the sheriff, to be intimated to the chairman of the school committee (appointed or to be appointed as herein-after provided) of the parish or burgh within which it is proposed to provide, erect, and establish such new school or schools; and if the said chairman shall, within thirty clear days after a day to be fixed by the board, intimate to the board, in writing, that two thirds of the members of such school committee in case they shall be six, or that three fourths in case they shall be four or eight, refuse to concur in such resolution, such new school or schools shall not be provided, erected, or established: Provided that after the expiration of twelve calendar months from the date of any such refusal it shall be lawful for the board to come to the same resolution, with such alterations in the terms thereof as may seem necessary, and to direct such renewed resolution to be intimated to the chairman of the school committee of such parish or burgh in like manner as aforesaid: Provided also, that in case two thirds or three fourths as aforesaid of such school committee shall, within the said period of thirty days, refuse to concur in such renewed resolution, but it shall appear to the board that the accommodation in efficient schools for the children in such parish or burgh is defective, it shall be lawful for the board to issue an order directing such school committee forthwith to carry into effect such renewed resolution.

School committee to take proceedings to erect school.

14. It shall be lawful for the school committee of any parish or burgh within which it has been duly resolved by the board to provide, erect, and establish a new school or schools, and they are hereby required (unless the board shall otherwise direct),

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forthwith to proceed with the erection or establishment of such new school or schools, and for that purpose either to take a lease of buildings, the terms of such lease and the sufficiency of such buildings being subject to the approval of the Board, or to obtain plans and to purchase ground for the necessary school buildings, and a teacher's residence (whenever such residence shall, in the opinion of the board, be required), or to purchase any existing school or other premises that may be approved by the board, and convert the same to school purposes; and in order to enable the said school committee so to do, the clauses of the Lands Clauses Consolidation (Scotland) Act, 1845, with respect to the purchase of lands by agreement, shall be incorporated herewith; and the expression "the promoters of the undertaking" in the said Lands Clauses Consolidation Act shall, for the purposes of this enactment, mean the school committee of any parish or burgh; and the majority of the trustees, managers, or proprietors of any school within any parish or burgh shall have power and authority to transfer or lease the school buildings, with the appurtenances and the furniture thereof, to the school committee of such parish or burgh, upon such terms as may, with the sanction of the board, be agreed upon, and such agreement shall be carried into effect notwithstanding the conditions and limitations contained in any feu charter or disposition or other deed relating to any such school: Provided that all parties interested in any school which may, in the opinion of the board, be subject to such conditions and limitations, shall have an opportunity of being heard by the board.

New schools to be "new national schools," and to be managed by school committee.

15. Every such new school, when so provided, erected, and established, shall be a national school, and shall be designated "a new national school," and shall be under the management of the school committee (appointed or to be appointed as herein-after provided) of the parish or burgh within which such new school is situate.

School committee may elect teacher, &c.

16. Every school committee shall have power to elect from time to time a teacher or teachers for the school under their management for any period that may be agreed upon, and to fix the amount of salary, which shall not be less than thirty-five pounds for the master of any school, inclusive of any sum derived from the parliamentary grant, and to determine the branches of education to be taught, and, with the consent of the board, to adjust the school fees in the schools managed by such school committee, and such school fees shall be paid to the teacher, or, where there are two or more teachers, to any one of them whom the school committee may appoint, and shall be thereafter divided among such teachers

in such proportions as the school committee, with consent of the board, may from time to time appoint, and such fees shall be paid at such times and for such periods as such committee shall direct; and in case any school fees shall remain due and unpaid for one month after the date fixed for payment thereof by the school committee as aforesaid, the teacher shall make out and transmit to the treasurer of the school committee a statement of the same, and such treasurer shall thereupon proceed to recover payment thereof, and may, but only with the consent of the school committee or heritors, sue for the same in his own name by action for debt in the ordinary manner, and shall pay to the teachers all such fees of which he has obtained payment under deduction of all necessary expenses incurred in the recovery thereof.

Combined national school.

17. It shall be lawful for the school committees of two or more parishes, with the sanction of the board, to agree together for the purpose of establishing a new school or new schools which shall be common to such parishes, and every such new national school shall be and be designated a "combined national school;" and every such agreement shall specify the number of the members of the school committee who shall manage such combined national school or schools, and the mode in which such members shall be elected, and the proportion in which each of such parishes shall, out of the school assessment herein-after mentioned, contribute towards the erection, establishment, or maintenance of any such combined national school or schools, and the mode in which a treasurer shall be appointed and the person so appointed treasurer shall, out of the said school assessment levied in each of the said several parishes, be entitled to receive such sum or sums of money as may from time to time be due according to the said agreement: Provided always, that the school committee of such combined national school or schools shall have all the powers which are hereby vested in any other school committee for the purpose of enabling them to erect, establish, or maintain a new national school or schools, except so far as may be otherwise provided by this Act.

School committees may combine to employ teachers of special subjects.

18. It shall be lawful for the school committees of two or more parishes, with the sanction of the board, to agree together for the employment of a teacher or teachers of special subjects, to be employed at convenient times in a selected number of or in all the schools of the parishes united for this purpose; and it shall be lawful for these parishes, with the consent of the board, to make arrangements by which each parish shall contribute out of its school assessment for the payment of the teacher or teachers of special subjects; and in any case where such a combination of schools

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shall be effected for this purpose a joint committee may be constituted in the manner provided in the immediately preceding section of this Act.

Power to convert old or adopted national schools into new national schools.

Conversion of old national schools into new national schools.

19. After the expiration of two years from the date of the passing of this Act, it shall be lawful for the heritors and minister of any parish, at a meeting summoned for the purpose by their clerk, on the request of any heritor, and of which notice shall have been given by letter sent to every heritor at least thirty free days before such meeting shall take place, to resolve from time to time that any old national school within such parish shall be converted into and established as a new national school: Provided always, that the conditions herein-after mentioned shall have been fulfilled.

Conversion of adopted schools into new national schools.

20. It shall be lawful for the managers, trustees, or proprietors of any adopted national school, at a meeting duly summoned for the purpose, to resolve from time to time that any such adopted national school shall be converted into and established as a new national school; provided that where any such adopted national school is maintained from a central fund the consent of the trustees of such fund shall be necessary before any further proceedings are taken upon such resolution to convert: Provided always, that the conditions herein-after mentioned shall have been fulfilled.

Manner of passing resolution for conversion of old or adopted schools into new national schools.

21. In case any such resolution to convert as aforesaid shall not have been passed by a majority of at least two thirds of the votes represented at any such meeting, no further proceedings shall be taken with respect to such conversion for the space of three years following the date of such meeting; but in case any such resolution shall have been passed by a majority of two thirds at least of such votes as aforesaid, the board shall in the case of all old national schools be bound to convert the same, and in the case of all adopted schools it shall be lawful for the said trustees, managers, and proprietors respectively, at a meeting to be summoned for the purpose in the manner herein provided, and to be held not sooner than twelve calendar months after the date of such resolution as aforesaid, to reconsider the same, and no other question shall be put to such last-mentioned meeting, but "approve" or "disapprove" of the said resolution; and in case two thirds at least of such votes as aforesaid shall be in favour of such resolution, the same shall be confirmed, and a copy thereof shall be transmitted by the chairman of such meeting to the board, who shall forthwith consider the expediency or inexpediency of the same; and in case any such

resolution shall not have been approved as aforesaid at any such last-mentioned meeting no further steps shall be taken with respect to such conversion for the space of one year following the date of such meeting.

Power of board to consider expediency of resolution to convert.

22. If in the case of any adopted school the board shall resolve that it is inexpedient to carry such confirmed resolution into effect, no further proceedings shall be taken thereupon for the space of one year following such resolution of the board; but in case the board shall resolve that it is expedient to carry such confirmed resolution into effect, they shall transmit a copy of the resolution which they shall pass to that effect, together with a copy of such confirmed resolution as aforesaid, to the chairman of the school committee of the parish or burgh within which the adopted national school in such resolution referred to is situated; and in case there shall be no existing school committee within such parish or burgh, the board shall take such proceedings as herein-after mentioned for the appointment of such school committee as aforesaid, and of a chairman thereof; and unless such chairman shall, within thirty clear days after a day to be fixed by the board, intimate to the board in writing that two thirds or three fourths, as the case may be, of the members of such school committee, refuse to concur in such resolutions, such adopted national school shall be converted into and established as a new national school.

Schools converted into new national schools shall be managed as such.

23. Every national school which shall have been converted into and established as a new national school under the provisions of this Act shall, from and after a day to be fixed by the board, be maintained and managed as a new national school; provided that the teacher of any old national school which shall have been converted into and established as a new national school shall remain the teacher thereof, and shall, after such conversion, be entitled during his continuance in that office (in addition to the school fees) to receive from the school committee of the parish within which any such converted school is situate not less than the amount of salary which he shall be entitled by law to receive from the said heritors at the date of such conversion; and that where at the time of such conversion there shall be a retired teacher of any such school entitled to a retiring allowance from the heritors, such retiring allowance shall thereafter be paid by the school committee;

Salaries of the retired or acting teachers of converted schools.

provided also, that the said heritors shall not, after the appointment of such school committee, be liable to contribute as heritors to such school in respect to any lands in the parish within which such school is situate; but nothing in this provision shall relieve them from contributing as ratepayers under any other provision of this Act.

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Act not to affect certain bequests.

24. Nothing in this Act contained shall in any way affect the Dick Bequest in favour of the parochial schools in the counties of Aberdeen, Banff, and Moray, or the Milne Bequest in favour of the parochial schools in the county of Aberdeen, or any endowment, legacy, or bequest in favour of the existing parochial schools in Scotland, but such schools shall for the purposes and objects of the same be held to be parochial schools in their respective parishes, although conducted and maintained under the provisions of this Act, and the teacher of any such school shall have all the benefits and privileges of such endowment, legacy, or bequest which he would have had if this Act had not been passed.

Maintenance and repair of national schools.

School premises to be kept in repair, or built in certain cases, at the expense of the heritors and the school committee respectively.

25. The heritors of every parish and every school committee respectively shall, in all time after the passing of this Act, maintain and keep in repair, or in case the buildings shall have fallen into decay by accident or lapse of time shall rebuild, the schoolhouses and teachers houses respectively subject to their management in such manner as shall be satisfactory to the board, and on their failing so to do the board may direct any national school and teacher's house to be rebuilt or repaired in such manner and according to such plan as to them shall seem expedient, and shall be entitled to recover from the heritors of any parish or from any school committee respectively the cost of such rebuilding or repairs: Provided always, that the teacher's house of any old national school shall not be rebuilt on a greater scale than is necessary to satisfy the provisions of the Burgh and Parochial Schoolmasters Act, 1861, in regard to new houses for schoolmasters, unless the heritors shall at a meeting called for the purpose have consented thereto, and recorded their consent in a minute or resolution of the meeting, or unless the former house exceeded such provisions.

Enlargement of school premises.

26. It shall be lawful for the board to issue an order directing the heritors of any parish or any school committee respectively to enlarge, in such manner as to the board may seem expedient, any schoolhouse or teacher's residence subject to their management: Provided always, that where the teacher's residence of an old national school already has the extent of accommodation specified in the seventeenth section of the Burgh and Parochial Schoolmasters Act, 1861, it shall not be incumbent on the heritors to enlarge the same unless such enlargement shall have been agreed to at a meeting of heritors called for the purpose.

School committee shall have power

27. For the purpose of erecting or rebuilding any national schoolhouse or teacher's residence, or of enlarging, altering, or

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repairing any new national schoolhouse or teacher's residence, the school committee of any parish or burgh respectively are hereby authorized and empowered to borrow money with the consent of the central board; and for the more effectually securing the repayment of the sum or sums borrowed, with interest, it shall be lawful for the said school committee to burden or charge the future assessments which they are herein-after authorized to impose with the amount so borrowed: Provided that any loan of money borrowed for the purposes aforesaid shall be repaid by annual instalments of not less in any one year than of the sum borrowed, exclusive of the payment of the interest on the same; and for the purposes of such borrowing the provisions of the Commissioners Clauses Act, 1847, with respect to the mortgages to be executed by the commissioners, except the eighty-fourth section thereof, are hereby incorporated with this Act, and the term "commissioners" used in those provisions shall, for the purposes of this Act, mean the school committee.

to borrow, in order to enlarge, alter, or repair school premises.

28. From and after the passing of this Act, no national schoolhouse or teacher's residence shall be purchased or built, nor shall any national schoolhouse or teacher's residence be enlarged or altered, nor shall it be lawful to impose an assessment or borrow money for such purposes, unless the contract of purchase or the plan of such national schoolhouse or teacher's residence, or of such proposed enlargements or alterations, shall have been submitted to and approved by the board, and signed, subscribed, or endorsed by two members thereof, or the secretary, in attestation of their approval.

Plans for building, enlarging, or altering school premises to be approved by board.

29. Every schoolhouse or teacher's residence connected with or pertaining to any new national school shall be and is hereby vested in the school committee (who are hereby constituted a corporation for the purpose) of the parish or burgh within which the same is situated; provided that the school committee may validly convey and dispose of all school buildings vested or which may become vested in them, and which may, with the sanction of the board, be found by the school committee to be unnecessary for the purposes of this Act.

School premises vested in school committee, who may dispose of unnecessary buildings.

30. It shall be lawful for the heritors of any parish, or the trustees, managers, or proprietors of any school, or any school committee, in the event of their being dissatisfied with any order of the board relative to the erection, enlargement, alteration, maintenance, or repair of any school buildings or teacher's house,

Certain orders of board may be cancelled or altered by Secretary of State.

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within one month from the date of such order, to present a petition to the Secretary of State setting forth the terms of such order, and the reasons for which they desire the same to be cancelled or altered, as the case may be, and the Secretary of State shall, after such inquiry, if any, as he may see fit, approve, alter, or cancel such order, and every such order so approved or altered shall be carried into effect according to the provisions of this Act.

Schools may be held in premises let on lease.

31. And whereas in some cases, and especially in towns and in the neighbourhood of public works, the buildings and premises occupied by schools are held on lease or are erected on property held on lease, and in many cases it may be convenient and beneficial that schools should be accommodated in buildings and premises let on lease: It shall be lawful for school committees, with the sanction of the board, to allow schools under their management to be accommodated in premises let on lease under such regulations as may be prescribed by the board.

Election and constitution of school committees.

Election of school committee in landward parishes.

32. In every landward parish the members of the school committee shall be elected one half by the heritors, and one half by the ratepayers, not being heritors, of the parish, and the persons so elected shall continue in office for three years or until their successors shall be appointed, but the same persons may be re-elected, and in every case in which it shall have been duly resolved to establish a new national school in a landward parish (in which there is no existing school committee), the board shall forthwith intimate such resolution to the chairman of the parochial board of such parish, and shall issue an order fixing the number of members of the school committee of such parish, which shall be four, six, or eight, and also fixing the day or days on which the heritors and the ratepayers respectively shall hold meetings for the first election of such committee, and the period of the year at which each successive triennial election shall be held, and the manner in which meetings shall be called, and the business of the meeting conducted, and the votes of the ratepayers taken; and such order may be altered from time to time by the board, and notice of such order and of every alteration thereon shall be given to the ratepayers, and to all whom it may concern, in such manner as the board shall direct; and at such meetings of heritors it shall be competent for any absent heritor to vote by proxy or by a letter under his hand.

Election of school committee in burghs.

33. In every burgh in which it shall have been duly resolved by the board to establish a new national school (and in which there is

no existing school committee) the board shall forthwith intimate such resolution to the chief magistrate or administrator of the affairs of such burgh, and shall issue an order fixing the number of the members of the school committee of such burgh, which, unless the population shall exceed thirty thousand, shall be four, six, or eight; and the town council of such burgh shall meet on a day to be fixed by the board, and on the same day of the same month, or on the first lawful day thereafter, of every third year subsequently, and shall nominate such number of persons to be members of the said school committee as they are authorized to nominate, and shall intimate to any person who shall have been nominated the fact of his nomination as a member of such school committee, and shall also transmit to the secretary of the board the name, designation, and place of abode of every such member; and the members of the school committee shall (if the new national school is established in such burgh) remain in office until the first meeting of the school committee nominated in the third year next ensuing, and at each new nomination any member of such school committee may be again nominated: provided that the board may from time to time, upon a representation from the school committee, alter the day or period of the year at which such triennial meetings are appointed as aforesaid to be held for the election of the school committee.

Ratepayers or town council refusing to elect school committee.

34. In case the ratepayers in any parish, or the town council of any burgh, shall respectively neglect or refuse to elect or nominate the members of the school committee, which they shall respectively be directed by the board to elect or nominate, it shall be the duty of the board to nominate a school committee in such manner as they may think fit, and such school committee shall exercise the same powers, and continue in office so long, and be subject to the same rules and regulations, as if it had been elected or nominated by the ratepayers or town council respectively.

Meetings of school committees.

35. Every school committee shall hold their first meeting at such place and on such day as the board shall fix, and of the day and place of such meeting due notice shall be given in such manner as the board shall direct; and every such meeting may be adjourned; and a majority of the members for the time being of every such committee shall be a quorum; and in case of a vacancy in any such committee by death, resignation, or otherwise, the vacancy so caused shall be filled up by election or nomination, which shall be on a day to be fixed by the board, and conducted in like manner as herein-before is mentioned; and such election

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or nomination shall be made by the same class of persons as may have elected or nominated the person who has caused the vacancy; and it shall not be held to invalidate the acts of any school committee that no election or nomination has been made of the respective number of persons authorized to be elected or nominated.

Clerk of every school committee to inform board of names, &c. of members.

36. On or within two clear days after the day of the first meeting of each school committee the clerk thereof shall transmit to the secretary of the board a statement of the name, designation, and place of abode of each member of the school committee whereof he is clerk, and shall from time to time transmit a statement as to every vacancy, and the name, designation, and place of abode of every person who may be appointed to supply a vacancy in such school committee.

Office bearers.

Chairman, school treasurer, and clerk of national school.

37. The heritors and minister of every parish in which there is an old national school, and the managers, trustees, and proprietors of every adopted national school, and every school committee under this Act, shall appoint from amongst themselves a chairman, and shall also appoint a treasurer, and a clerk of the schools subject to their management respectively; and such treasurer and clerk may likewise be appointed by the aforesaids from amongst themselves if the board shall consent thereto, and, with the like consent, the same person may be appointed to be both treasurer and clerk; and the person so appointed chairman, whom failing, such person, being one of their number, as the members present at any meeting shall appoint, shall preside at every meeting of such school managers, and shall have both a deliberative and a casting vote; provided that every member present at any meeting shall have one vote, and any act done or resolution adopted by a majority of the votes represented at any meeting summoned by the said clerk shall be valid, except so far as may be inconsistent with the provisions of this Act; provided also, that nothing herein contained shall be construed to repeal or modify the seventh or twenty-second sections of the said recited Act of the forty-third year of the reign of His Majesty George the Third, chapter fifty-four, which sections of said recited Act shall be read as applicable also to all meetings of minister and heritors held in pursuance of the provisions of this Act.

Register of national schools and of attendance.

National schools shall be registered.

38. Every national school shall be registered at the office of the board, and such register shall contain the names and residences

of the heritors and minister of every parish, of the managers, trustees, and proprietors of every adopted national school, and of the members of the school committee of every parish or burgh, and shall set forth in respect to each national school the individual heritor, manager, trustee, proprietor, and member of the school committee who may be nominated chairman, treasurer, or clerk.

Register of scholars.

39. The teacher of every national school shall keep a register of the attendance of scholars according to the form prescribed by the board; and in case any teacher in any national school shall wilfully neglect or refuse so to do, it shall be lawful for the board to censure, suspend, or dismiss such teacher, and to withdraw his or her certificate of competency.

Inspectors.

H.M. inspectors to enter and examine national schools, and every national school shall be inspected once every year.

40. It shall be the duty of any of Her Majesty's inspectors or inspector's assistant of schools now acting in Scotland, or who may hereafter be appointed by Her Majesty, or by the Committee of Council, to act in Scotland, and every such inspector or inspector's assistant is hereby empowered to enter and inspect any national school in Scotland, or any school which receives any grant from the Committee of Council, which he may be from time to time directed by the Committee of Council to enter and inspect; and such inspector or inspector's assistant shall, if required so to do by the Committee of Council, examine the scholars thereof, and draw up such report and perform such duties as he may be directed to draw up and perform, and every such report shall be transmitted to the President of the Council, and a copy of every such report shall be presented to the board within one calendar month after it shall have been acted upon by the Committee of Council; and every national school in Scotland shall be inspected by such inspector or inspector's assistant once at least every twelve months, or as often as the Committee of Council shall by the code hereinafter mentioned direct; provided that no inspector or inspector's assistant shall examine any person in any national school in religious knowledge, unless he shall have been requested to do so by a majority of the managing body of such national school.

Certificates and examinations for the office of teacher.

Teachers in national schools to hold certificates of competency, and to

41. No person shall after the passing of this Act be appointed to the office of teacher in any national school who is not the holder of a certificate of competency; and every person who at the time of

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be entered in register kept by the board.

the passing of this Act is the teacher of a parochial school, or who at the said time holds a teacher's certificate from the Committee of Council, or who shall hereafter obtain a certificate from the examiners herein-after mentioned, shall be considered the holder of a certificate of competency under this Act, and the board shall keep a register, to be called the register of competent teachers, in which shall be entered the name of every holder of such certificate of competency, and the date of such certificate, and the name or description of the body by whom the same was granted, and the class or degree of competency to which such certificate applies; and the person or persons whose right it is to appoint the teacher of any national school shall before making such appointment require the candidate to produce evidence that he is the holder of such certificate of competency as in the opinion of the board qualifies him to be appointed as teacher of such school: Provided that after the aforesaid register shall have been established by the board, of which establishment the board shall give such notice as shall seem to them sufficient, the only evidence that any person is the holder of a certificate of competency under this Act shall be an extract from the said register certified in such manner as the board shall appoint, and such extracts shall be granted in such form and manner as the board shall appoint: Provided also, that it shall not be necessary for the teachers of special subjects who may be appointed under section twenty-six of this Act to take a certificate of competency as above provided; but before any such teachers of special subjects are employed such evidence of their fitness for the office shall be laid before the board as the board may see fit to require.

Board to make regulations as to examinations.

42. The sixteenth section of the recited Act of the forty-third year of George the Third, chapter fifty-four, and the ninth section of the recited Act of the twenty-fourth and twenty-fifth years of Her present Majesty, chapter one hundred and seven, shall be and are hereby repealed; and instead thereof be it enacted as follows: It shall be the duty of the board to make, on or before the day of , and thereafter from time to time, such regulations as they may see fit in regard to the time and manner and the standards of the examinations to be passed by such persons as desire to obtain a certificate of competency, and as to the subjects to which the several standards shall extend, and to regulate the notice to be given thereof; and such examinations shall be conducted by examiners appointed in the manner herein-after provided; and the said regulations shall be published by advertisement in such manner

as the board shall direct; and such examinations shall be held at such places or at such times as shall be fixed by the board.

Appointment of examiners by the university court and Committee of Council.

43. It shall be the duty of the university court of each university in Scotland, as soon as conveniently may be, and in no case later than three months after the passing of this Act, and thereafter from time to time, to appoint persons to be examiners of such as desire to obtain a certificate of competency, of such persons being professors in the faculty of arts of the university, and, in addition to the persons appointed as aforesaid by the universities, the Committee of Council shall from time to time nominate and appoint one examiner to be present and act at every examination.

Examiners to hold the office for two years, but may be re-appointed.

44. The persons so appointed shall continue to be examiners during two years from and after the date of their respective appointments, and until other persons shall have been in like manner appointed in their room; provided that it shall be lawful to the university court to re-appoint all or any of the same persons to be such examiners, and to fill up from time to time any vacancy which may occur by the death, resignation, or disqualification of any of the examiners; and it shall be lawful to each of the persons so appointed to nominate as his deputy, with power to act as his substitute in case of his absence at any meeting of the examiners, any person who may have become a graduate in arts of any university not later than three years prior to such nomination, provided that such nomination shall be approved by the board; and the examiners may appoint one of their number, or any one of their substitutes, to act as secretary.

Persons who intend to submit themselves to university examiners must send in their names to the secretary of the board.

45. Every person who intends to submit himself to the university examiners shall transmit his name, designation, and place of abode to the secretary of the board, stating the university at which such person desires to be examined, and the board shall thereupon appoint the time at which such person shall be examined; and the secretary of the board shall communicate to the examiners of such university the name of the candidate, and state the time at which such candidate shall be examined, and give notice thereof to the candidate; and the examiners of such university shall examine such person as to his fitness and qualification for the duties of the office of teacher, according to the regulations issued by the board, and being found qualified, the said examiners shall furnish to him a certificate to that effect, subscribed by them or by a majority of their number, which certificate shall specify the class or degree of competency to which it applies, and shall be conclusive evidence that he has passed the required examination, and has been found qualified for the said office in the

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class or degree therein specified; and upon such certificate being presented to the secretary of the board he shall enter upon the register of competent teachers the name of the person to whom such certificate was granted, and the other particulars herein-before required to be entered on the register.

Clause B. Treasury to pay to each examiner for each person examined.

It shall be lawful to the Commissioners of Her Majesty's Treasury to pay to the board, out of any monies which may be voted by Parliament for that purpose, the sum of for and in respect of every person examined by the foresaid examiners under the provisions of this Act, and the board shall make regulations according to which such sum shall be applied in remunerating the said examiners.

Board may place teachers in adopted schools on register of competent teachers without examination.

46. It shall be lawful for the board, if they shall see fit, to place on the register of competent teachers any person who, at the time when any school shall be adopted as a national school under the provisions of this Act, shall be a teacher in such school so adopted, without requiring such person to pass an examination before the university examiners herein-before mentioned: Provided always, that the board shall, before placing any such person on the said register, be satisfied that he is a fit and proper person to be a teacher of a national school, and may require him to produce such evidence of his fitness for the office of teacher as they may think necessary.

Jurisdiction of the board in respect to teachers.

21st sect. of 43 Geo. 3. c. 54., and 14th and 19th sects. of the Parochial and Burgh Schoolmasters (Scotland) Act, 1861, repealed. If the board, upon inquiry, consider the teacher of an old national school incompetent, or morally unfit, they may permit him to resign, or may issue an order suspending or removing him from office.

47. The twenty-first section of the recited Act of the forty-third year of His Majesty George the Third, chapter fifty-four, and the fourteenth and nineteenth sections of the Parochial and Burgh Schoolmasters (Scotland) Act, 1861, are hereby repealed; and instead thereof be it enacted, that in case it shall appear to the board, from any report furnished by one of Her Majesty's inspectors of schools in Scotland, or upon such other inquiry as to the board may appear expedient, that the teacher of any national school appointed before the passing of this Act has become disqualified because of infirmity or old age for the due performance of the duties of the office, or that from negligence or inattention, or want of ability in mind or body, such teacher has failed efficiently to discharge such duties, or has been guilty of immoral conduct, or of cruel or improper treatment of the scholars under his charge, the board may, after giving such teacher a full opportunity of being heard, permit such teacher to resign the said office, or may issue an order admonishing, censuring, or suspending him for a period from such office, or removing him from the same.

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Tenure of the office of teacher hereafter appointed.

48. Any teacher appointed to a national school after the passing of this Act shall be liable to be dismissed or suspended for a period from the office of such teacher by order of the board, provided that such order shall proceed on a complaint by an inspector, or by the school committee, or by the minister and heritors, or by the managers, trustees, or proprietors of the school, and such order shall be pronounced after giving such teacher a full opportunity of being heard, and after such inquiry as the board may think fit.

Power of board to suspend or withdraw the certificate of competency in certain cases.

49. It shall be lawful for the board to issue an order suspending or withdrawing the certificate of competency of any teacher, in case it shall be made to appear to their satisfaction, after such inquiry by the board as they may think fit, that the holder of such certificate has not, during five consecutive years immediately preceding such withdrawal, been in charge of a national school or has been guilty of any immoral conduct, or of cruel and improper treatment of the scholars under his charge, or that he is disqualified, because of infirmity or old age, for the due performance of the duties of his office, or that from negligence or inattention, or incapacity of mind or body, he has failed efficiently to discharge such duties; and every such teacher whose certificate shall have been suspended or withdrawn by the board shall forthwith cease to be a certificated teacher, and his name shall be struck off the register of competent teachers, and he shall be removed from the office of school teacher which he may then hold, and shall vacate the schoolroom and schoolhouse and other tenement which he may hold by virtue of his office, and shall cease to enjoy the emoluments attached to such school, and such person shall not be eligible as a candidate for such office during the period of such suspension or withdrawal: provided that no certificate shall be suspended for a longer period than six months, and shall be renewed upon such terms as to the board may seem expedient.

Salary during suspension of teacher.

50. In every case in which the teacher of any national school shall have been suspended by order of the board, the salary of such teacher in respect of the office shall cease and determine from the date of such suspension until the next term of Whitsunday or Martinmas following the expiration of the term of suspension specified by the board, or until such period as may be specified in the order of the board; and the salary accruing during the said period shall be applied toward providing a substitute for such teacher during the period of such suspension, and shall be administered in such manner as the board shall direct.

Teacher refusing or neglecting to

51. If any teacher, contrary to any order of the board, shall refuse or fail to quit possession of any schoolroom, schoolhouse,

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quit school premises to be ejected by warrant from the sheriff.

or other tenement which he may hold by virtue of his office, it shall be the duty of the sheriff of the county within which such school premises are situate, upon application made to him by the secretary of the board, or by the chairman of the heritors, managers, trustees, or proprietors, or school committee of any national school, and upon production, along with such application, of a copy of the order of the board therein referred to, purporting to be signed by the secretary of the board, forthwith to grant warrant for ejecting such teacher from such school premises on not less than ten or more than twenty-one days charge, which warrant shall be enforced in common form, and shall not be liable to be stayed by suspension, reduction, or any other form of process.

School committee may make representation or complaint to the board.

52. Every school committee, or in the case of an old national school the heritors and minister, or in an adopted school the managers, trustees, or proprietors, may at any time make a representation or complaint to the board with respect to the operation of the general rules and regulations of the board in the case of the school under their management, or with respect to any matter relating to such school in regard to which the board have power, authority, or jurisdiction; and the board shall, without delay, cause such inquiry to be made or evidence to be taken as they may think necessary, and shall thereafter issue an order disposing of the matter contained in such representation or complaint.

Order of board to be final.

53. Every order of the board suspending or removing any teacher or suspending or withdrawing his certificate of competency shall be final, without appeal to or review by any court; and in every such order the board shall specify the period at which the person so suspended or removed as aforesaid, or whose certificate has been suspended or withdrawn, shall quit possession of the schoolroom, schoolhouse, or other tenement which he or she may hold by virtue of his or her office, and, if they think fit, the person or persons to whom possession thereof is to be delivered, and in case of any order of suspension the board shall specify therein the period (if any) at which the person so suspended as aforesaid may resume possession of the school premises.

Retiring Allowances.

CLAUSE C. Retiring allowances for schoolmasters, appointed before the passing of this Act.

In every case in which the teacher of any old national school, appointed before the passing of this Act, may have resigned or been removed from office under the provisions of this Act, the heritors and minister may grant to such teacher a retiring allowance, payable during the remainder of his or her life: Provided always, that

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any schoolmaster of an old national school appointed before the passing of this Act shall have right to the same retiring allowance to which he would have been entitled if this Act had not been passed under the provisions of the "Parochial and Burgh Schoolmasters (Scotland) Act, 1861," at whatever time his retirement may take place; and such right to a retiring allowance shall not be affected by the conversion of any such old national school into a new national school; but such retiring allowance shall thereafter be paid by the School Committee.

Retiring allowances.

54. When any teacher shall have been permitted to resign, or have been removed by order of the board, or by withdrawal of his certificate by the board, under the provisions of this Act, and the board shall be of opinion that such removal or withdrawal of certificate was not occasioned by any fault on the part of such teacher, the heritors in the case of any old national school, and the school committee in the case of any new national school, may grant a retiring allowance, the amount whereof shall not be less than one half of the salary pertaining to the said office at the date of such withdrawal, and shall not exceed the gross amount of such salary, and the heritors or school committee shall have power to assess for such retiring allowance in like manner as they may assess for the schoolmaster's salary or for the "school assessment" herein-after mentioned: Provided also, such pension shall not be less than fifteen pounds, and every such retiring allowance shall be payable in like manner as the salary of the teacher.

Clause D. Assessments for maintenance of parochial schools to be imposed according to valuation roll.

From and after the passing of this Act all assessments levied for the purpose of defraying the expense of providing, erecting, enlarging, and keeping in repair the buildings and teachers residences of or pertaining to the parochial schools, and of paying the salaries and retired allowances of teachers in such schools, including such sum as may be requisite to cover the estimated expense of assessment, collection, and management, and any arrears of preceding years, and of otherwise maintaining or contributing to maintain such schools, shall be imposed upon all lands and heritages in the parishes within the limits of which the said schools are respectively situated, according to the yearly value thereof, as established by the valuation roll in force for the year of the assessment, at such a rate in every year as may be necessary for the aforesaid purposes.

Public local aid to new national schools. "School assessment."

Clause E. School committees to impose assess-

The school committee of any landward parish or burgh in which a school committee has been appointed shall, once each

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ment upon lands and heritages to maintain new national schools.

year, impose an assessment, to be called "the school assessment," upon all lands and heritages within the limits of such parish or burgh respectively, according to the yearly value thereof, as established by the valuation roll in force for the year of the assessment, and that at such a rate in every year as such school committee shall deem necessary, for the purpose of defraying the expense of providing, erecting, enlarging, and keeping in repair the buildings and teachers residences of or pertaining to the new national school or schools within such parish or burgh, or for which such school committee may be bound to provide, and of paying the salaries and retired allowances of teachers in such new national schools as last aforesaid, including such sum as may be requisite to cover the estimated expense of assessment, collection, and management, and any arrears of preceding years, and of otherwise maintaining or contributing to maintain the new national schools towards the maintenance of which any such school committee may be bound to contribute: Provided always, that no grant out of any school assessment shall be made by any school committee to any school unless such school shall be a new national school, or a combined national school, within the meaning of this Act: Provided also, that such assessment shall in no case exceed in any year threepence in the pound on the said yearly value of lands and heritages within the limits of any parish or burgh.

Recovery of assessments.

CLAUSE F.

Assessments to be payable from Whitsunday to Whitsunday, and to be paid half by the proprietor and half by the occupier.

The several assessments to be laid on in each year under the provisions of this Act shall be payable respectively as for the period from Whitsunday in the year in which the same are imposed to Whitsunday in the year immediately following, and may be levied either on the proprietor or occupier of such lands and heritages; but the proprietor, in the event of his paying such assessment, shall be entitled to claim from the occupier one half the amount thereof; and the occupier, in the event of his paying such assessment, shall be entitled to deduct one half the amount from the rent payable by him; provided that if there shall be any deficiency in the funds available during any year for current expenses, the same may be made good in imposing any subsequent assessment, and if there be any surplus of funds for current expenses at the term of Whitsunday, the same may be applied to the current expenses of the ensuing year; provided also, that nothing in this Act contained shall affect the relative rights and liabilities of proprietors and occupants inter se under any agreement between them already made or that may hereafter be made; provided always,

that in no case shall the whole assessment imposed in any one year under the provisions of this Act exceed the amount of threepence in the pound.

Clause G. Premises under 4*l.* in burghs or counties unoccupied.

In the case of lands and heritages let at a rent under four pounds per annum, or for a less period than half a year, deduction shall be allowed of the assessment for each period of six months from Whitsunday to Martinmas, or from Martinmas to Whitsunday, during which any such premises shall be unoccupied or not furnished.

Clause H. Exception on ground of poverty.

The school committee of any parish or burgh may, on the ground of the poverty of any person liable in assessment under this Act in respect of any lands and heritages in value not exceeding four pounds per annum, remit, in whole or in part, payment of the said assessment by such person, in such manner as they shall, in their discretion, think just and reasonable, but upon no other account whatsoever.

Clause I. Power to recover assessments.

The whole powers and rights of issuing summary warrants for recovery of the land and assessed taxes shall be applicable to the assessments of this Act authorized to be imposed and levied, and sheriffs, magistrates, justices of the peace, and other judges shall grant warrant for the recovery of such assessments, in the like form and under the like penalties as is provided in regard to such land and assessed taxes and other public taxes; and all assessments imposed in virtue of this Act shall, in the case of bankruptcy or insolvency, be paid out of the first proceeds of the estate, and shall be preferred to all other debts of a private nature due by the parties assessed.

Clause K. Disputes as to assessment to be settled by sheriff.

Any dispute which may arise between the school committees or any person or persons acting under them respectively on the one part, and any person holding himself aggrieved on the other, relating to any assessment under this Act which it may not be competent or convenient to try and determine in the sheriff small debt court, shall be determined in a summary manner by the sheriff of the county in which such dispute shall arise, or of the county in which the school is situate in respect of which such assessment is leviable; and such sheriff shall, on a written petition being presented to him by any of the said parties, appoint them to appear before him, and shall then investigate the matter in dispute in such way as he may think proper, and decide the same summarily; and such decision shall be final, and shall not be subject to appeal or review in any court or by any process whatsoever.

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Parliamentary gr

CLAUSE L. One third the sum required to enlarge rebuild, or erect any national school shall be paid by the Committee of Council out of parliamentary grant

It shall be lawful for the Committee of Council, out of the sums to be annually voted by Parliament for education, to pay to the treasurer or managers of any subsisting school in any insular parish of any of the counties of Ross, Inverness, or Argyll, or in the islands of Orkney or Shetland, one half, and in any other parish one third, the sum which may be required to enlarge or rebuild such school or teacher's residence, and to advance in the case of any such insular parish one half, and in the case of any other parish or burgh one third, the sum which may be required for the establishment or erection of any new school, and for the residence of the teacher: Provided always, that such payments and advances shall be made under such conditions and subject to such general rules and regulations as may from time to time be laid down by the Committee of Council.

CLAUSE M. Grant for maintenance.

It shall be lawful for the Committee of Council to make to the treasurer or managers of any school, out of the sums annually voted by Parliament for education, a grant according to the rate prescribed, and subject to the provisions contained in the schedule hereto appended, and marked A.

Mode of enforcing this Act.

Mode of enforcing the provisions of this Act.

55. In case the town council of any burgh, the heritors of any parish, or the managers, trustees, or proprietors, or the teacher of any national school, or any of the members of the school committee of any parish or burgh, or any other person, shall refuse or neglect to do what is herein or otherwise by law required of them, or in case any obstruction shall arise in the execution of this Act, it shall be lawful for the board to apply, by summary petition, to the Court of Session, or, during the vacation of the said court, to the Lord Ordinary on the bills, which court and Lord Ordinary are hereby authorized and directed in such case to do therein as to such court or Lord Ordinary shall seem just and necessary; and the judgment of such court or of the Lord Ordinary shall be final, and shall not be subject to appeal or review in any court or by any process whatsoever.

Conscience Clause.

Conscience clause.

56. Every national school, or school which receives any grant from the Committee of Council, shall be open to children of all denominations, and any scholar in such school may be withdrawn from any religious teaching or service to which his or her parents

may object; and if the heritors or minister, or the trustees, managers, or proprietors, or the school committee having the management of any such school, or any teacher thereof, shall, in the opinion of the board, neglect or refuse to permit such withdrawal, such school shall in no case share in the grant voted by Parliament for education, and (if a new national school) shall not be entitled to any share in the school assessment herein-before mentioned.

57. This Act may be cited for all purposes as The Education (Scotland) Act, 1869. Short title.

SCHEDULE A.

The Committee of Council, within months after the passing of this Act, shall issue a code of minutes and regulations according to which the sum of money voted by Parliament for public education shall be distributed in Scotland; and the Committee in the course of each year, as occasion requires, may cancel or modify any articles of the said code, or may establish new articles, except as herein-after mentioned, but the said code, or any alterations which shall be made thereon, shall not have any effect or operation until the same shall have been submitted to Parliament, and laid on the table of both Houses for at least one calendar month; and such code of minutes and regulations in force for the time being shall contain no directions or impose no conditions at variance with the regulations following; (that is to say,)

Rule First.—The object of Parliament in voting such sum is to defray part of the cost of educating the scholars in schools in Scotland; and in framing a code of minutes and regulations for the distribution of such sum, due care shall be taken by the said Committee that the standard of education which now exists in the parochial schools shall not be lowered, and that, as far as possible, as high a standard shall be maintained in all national schools in Scotland.

Rule Second.—No grant shall be made by the said Committee to any national school in Scotland, unless and until the said Committee shall have received a report from one of Her Majesty's inspectors or inspectors assistants, or such report as to the said Committee shall be satisfactory, that such school has during the previous year been taught by a teacher holding such certificate of competency as herein-before mentioned, and that such school satisfies the conditions and has complied with the regulations in the said code contained and in force for the time being.

Rule Third.—The amount of such annual grant for the maintenance of any school shall not, except as herein-after mentioned, exceed the amount of local contributions as herein-after defined and shown by the account of the treasurer or managers of the said school to have been appropriated during the previous year to its maintenance; and the said account shall be kept in such form and audited in such manner as the said Committee may from time to time direct.

Rule Fourth.—For the purposes of this Act the following sources of annual income shall be taken to be local contributions; (that is to say,)—first, all sums derived from the legal assessment of the heritors of any parish beyond the minimum sum fixed by the Parochial and Burgh Schoolmasters (Scotland) Act (1861); second, all sums derived from voluntary subscribers; third, all sums derived from the trustees of any bequest or endowment, subject nevertheless to such rules and regulations as may be laid down in respect thereto by the said code; fourth, all sums derived from school fees; fifth, all sums derived from the said school assessment.

Rule Fifth.—In any insular parish in the county of Ross, Inverness, or Argyll, or in Orkney and Shetland, or in any landward parish, where respectively a school assessment of 3*d.* in the pound shall have been levied, and shall

yield, or where the same has not been levied would if levied yield, either less than £30 per annum for every national school within the said parish, or less than 18*s.* per head on one sixth part of the population of any such parish according to the latest census, it shall be lawful for the Committee of Council to grant to the treasurer or managers of any school situated within any such parish at the end of each year,—

(*a.*) Any sum not exceeding twice the rate of grant (for the time being in force) for every scholar who has attended more than 200 morning or afternoon meetings of their school, and who, being more than six years of age, passes an examination according to article 48 of the Revised Code (1867), or who, being under six years, and present, except in united schools (according to article 138[2] of the said Revised Code), on the day of examination, is reported by the inspector or inspector's assistant to be instructed suitably to its age, and in a manner not to interfere with the instruction of the older children;

(*b.*) Also any sum not exceeding twice the rate of grant (for the time being in force) in respect to every scholar who has attended more than 24 evening meetings of their school, and who is subject to examination as aforesaid:

Provided always, that the total sum in any year granted by the said Committee for the maintenance of any such school situate in any such parish as in this fifth rule specified shall not exceed the sum of 16*s.* per scholar, according to the average number in attendance at such school throughout the previous year.

Parochial Schools (Scotland). [H.L.]

A

B I L L

INTITULED

An Act to extend and improve the Parochial Schools of Scotland, and to make further provision for the Education of the People of Scotland.

(*Brought from the Lords* 14 *June* 1869.)

Ordered, by The House of Commons, *to be Printed*, 15 *June* 1869.

[Bill 164.]

Under 4 *oz.*

A

B I L L

[AS AMENDED IN COMMITTEE]

INTITULED

An Act to extend and improve the Parochial Schools of Scotland, and to make further provision for the Education of the People of Scotland. A.D. 1869.

WHEREAS an Act was passed by the Parliament of Scotland, in the First Parliament of King William, in the year one thousand six hundred and ninety-six, intituled "Act for settling of Schools:" And whereas another Act was passed in the session of the forty-third year of the reign of His Majesty King George the Third, chapter fifty-four, intituled "An Act for making better "provision for the Parochial Schoolmasters, and for making further "regulations for the better government of the Parish Schools, in "Scotland;" and another Act was passed in the session of the first and second years of the reign of Her present Majesty, chapter eighty-seven, intituled "An Act to facilitate the foundation and "endowment of additional Schools in Scotland;" and another Act was passed in the session of the twenty-fourth and twenty-fifth years of the reign of Her present Majesty, chapter one hundred and seven, intituled "The Parochial and Burgh Schoolmasters (Scotland) Act, 1861:" And whereas it is desirable that the present system of parochial schools in Scotland should be extended and enlarged, and that provision should be made for the improvement of existing schools other than parochial schools, and for the supply of additional schools throughout Scotland: Act of 1696. 43 Geo. 3. c. 54. 1 & 2 Vict. c. 87. 24 & 25 Vict. c. 107.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Definitions.

1. In this Act the following words shall have the meanings hereby assigned to them:

"Committee of Council:"

"Committee of Council" shall mean the Committee of Her Majesty's Most Honourable Privy Council for Education:

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"The board:" The "board" shall mean the board of education established by this Act:

"Parochial school:" "Parochial school" shall mean and include every school provided for under the recited Act of the forty-third year of the reign of His Majesty George the Third, chapter fifty-four, or the "Parochial and Burgh Schoolmasters (Scotland) Act, 1861," and every school taught by a teacher appointed under the eleventh section of the recited Act of the forty-third year of the reign of His Majesty George the Third, chapter fifty-four:

Side school teacher:

"Parliamentary school:" "Parliamentary school" shall mean any school established or to be established under the said recited Act of the first and second years of the reign of Her Majesty, chapter eighty-seven:

"National school:" "National school" shall mean—1. An old national school; 2. An adopted national school; 3. A new national school.

"Burgh:" "Burgh" shall include and apply to cities, burghs, and towns which are royal burghs, or which send or contribute as burghs to send a member to Parliament:

"Limits of burghs:" "Limits of a burgh" shall mean the boundaries of any burgh as the same are ascertained and fixed under the provisions to that effect contained in the "Prisons (Scotland) Administration Act, 1860:"

"Town councils:" "Town councils" shall include the lord provost or provost or chief magistrate, and the magistrates and council of burghs:

"Landward parish:" "Landward parish" shall mean any parish the whole or any portion of which is situate without the limits of any burgh:

"The limits of a landward parish:" "The limits of a landward parish" shall mean any such parish, exclusive of such portion as may be situate within the limits of any burgh:

"Lands and heritages:" "Valuation roll:" "Lands and heritages" and "valuation rolls" shall have the same meanings as are assigned to these words in an Act passed in the session held in the seventeenth and eighteenth years of the reign of Her Majesty, chapter ninety-first, intituled "An Act for "the valuation of lands and heritages in Scotland;" and another Act to amend the same, passed in the session held in the twentieth and twenty-first years of the same reign, chapter fifty-eight:

"Ratepayer of a parish:" "Ratepayer of a parish" shall mean every person whose name shall for the time being appear as proprietor or tenant and occupant of lands and heritages within such parish to any value above four pounds on the valuation rolls of any county or burgh, made up in terms of the Acts last herein-after mentioned:

"The heritors:" "The heritors" shall mean heritors qualified in terms of the said recited Act of the forty-third year of the reign of His Majesty George the Third, chapter fifty-four:

The "Secretary of State" shall mean one of Her Majesty's Principal Secretaries of State. "Secretary of State."

Constitution of the Board and their Secretary.

2. A Board of Education is established by this Act for carrying into effect the purposes thereof which shall be called "The Board of Education for Scotland," which shall be composed of the following seven persons, viz., Board of Education for Scotland established.

, and the said persons shall hold office for five years; and the said shall be chairman of the said board, and it shall be lawful for the Commissioners of Her Majesty's Treasury, out of any monies which may be voted by Parliament for that purpose, to pay the said chairman a salary of pounds a year, and the said the sum of three guineas for each meeting of the said board under fifty meetings per annum attended by them, besides their travelling expenses; and it shall be lawful for the said Commissioners out of such monies to make provision for office rent, clerks, and other incidental expenses of the said board, and Her Majesty shall have power, in the event of any vacancy occurring by the death, resignation, or otherwise of any such persons, to fill up such vacancy by another appointment under a like writing.

3. Her Majesty, by any writing under the hand of the Secretary of State, may appoint a person to be secretary to the board, and in the event of any vacancy occurring by the death, resignation, or otherwise of any such person Her Majesty may in like manner appoint another person to be the secretary to the board; and every secretary shall be removable from his office by Her Majesty on the application of the board, and with the sanction, in writing, of the Secretary of State. Secretary.

Meetings of the Board.

4. The seat of the board shall be in Edinburgh, and the board shall hold ordinary and half-yearly meetings there at such times and periods of the year as the Secretary of State may from time to time fix, and such half-yearly meetings shall be open to the public; and at all meetings of the board three members shall be a quorum, with power to act in all matters hereby committed to the board, and the board shall have power from time to time to adjourn any Meeting of the board. Three members to be a quorum.

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meeting, and to hold special meetings at such time and place as they may think fit; and from and after the date fixed for the first meeting of the board all orders and proceedings of the board shall be valid, notwithstanding any vacancies among the members thereof; and it shall be the duty of the chairman of the board, not only to attend at the general and the special or adjourned meetings, but to give regular attendance for the purpose of conducting the business of the board; provided that in case of the absence of the chairman at any meeting the senior member of the board present may act as chairman of such meeting; provided that the proceedings of the board, in the trial of schoolmasters for offences herein-after mentioned, shall be open to the public, unless the board for special cause stated shall otherwise direct.

Power to appoint committees.

5. The board shall have power, as often as they may deem fit, to appoint any one or two of their number as a committee for the purposes of this Act; and it shall be lawful for such committee, in transacting the business committed to him or them, to exercise all the powers necessary for that purpose which are by this Act given to the board; and such committee shall be bound to report to the board at such time or times as they shall direct, and, failing such direction, shall report to the board at their next general statutory meeting.

Power to make rules and regulations, which shall be laid before Parliament.

6. It shall be lawful for the board, from time to time as they shall see occasion, to make general rules and regulations for conducting the business of the board, for appointing forms of procedure in exercising the jurisdiction of the board, and generally for carrying into effect the powers and authorities hereby conferred upon them, and to alter such rules and regulations; and such rules, regulations, and alterations, or a copy thereof, shall, in January of each year, be printed in such form as to show separately all rules and regulations cancelled or modified, and all new regulations, and shall annually be laid on the table of both Houses of Parliament within one calendar month from the meeting thereof: provided that such rules, regulations, or alterations as aforesaid shall not have any effect or operation until the same shall have been submitted to Parliament, and laid on the table of both Houses for at least one calendar month.

Board to keep a record, and submit report to President of Council, which shall be laid before Parliament.

7. The board shall make a record of their proceedings, in which shall be entered minutes of all meetings held by them, or any committee appointed by them, and all resolutions passed and orders made by them, and all other matters which the board may judge proper; and the board shall once in every year submit to the

President of Her Majesty's Privy Council a general report of their proceedings, which report shall contain in particular a full statement as to the national schools herein-after mentioned in Scotland, and the funds raised for building, enlarging, and maintaining such schools; and every such report shall be laid before both Houses of Parliament within six weeks after the receipt of the same by such President of the Council, if Parliament be then sitting, or if Parliament be not sitting then within six weeks of the next meeting thereof.

Parochial Schools.

Parochial and parliamentary schools shall be old national schools, and shall continue to be managed as at present.

8. Every parochial school and every parliamentary school is hereby declared to be a "national school," and shall from and after the passing of this Act be designated "an old national school," and shall continue to be managed and regulated in like manner as is provided in regard to such school by the Acts relating thereto now in force, except so far as may be otherwise provided by this Act.

Union of parochial schools.

9. If it shall appear to the board that one old national school is sufficient for the educational wants of two or more parishes, the board may resolve, with the consent of the heritors and ministers of such parishes respectively, that such parishes shall be united and form an united parish as regards such school, and issue an order accordingly, and such school shall be deemed to be an old national school, and shall as such be managed and regulated by the heritors and ministers of the parishes so united, unless such school shall be converted into a new national school in manner herein-after provided: Provided always, that the schoolmaster of every school which the board in pursuance of such resolution shall order to be discontinued as an old national school shall be entitled during his life to receive from the heritors who are at the time of discontinuance liable in the same the amount of salary to which he shall be entitled by law at the date of such resolution: Provided also, that it shall be lawful for the school committee or heritors to employ any such teacher as principal teacher in any school within the bounds of their parish so long as they pay the salary as above provided; and in the event of any teacher refusing to teach such school his salary shall thereafter cease and determine.

Clause A. Side schools

10. From and after the passing of this Act, it shall not be competent to the heritors and minister to divide any salary among two or more teachers, under the provisions of the said recited Act passed in the session held in the forty-third year of the reign of His Majesty

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George the Third, without obtaining the sanction of the board, testified by a resolution passed by them to that effect.

Power to adopt or erect schools.

Board to fix as to each parish or burgh the number of schools required.

11. It shall be the duty of the board from time to time to ascertain and fix, as regards each parish and burgh in Scotland, what number of schools is necessary in order to provide adequate means of instruction within such parish or burgh, and to decide with regard to each of such parishes and burghs whether any school or schools in addition to the existing parochial and parliamentary schools ought to be adopted or erected therein under this Act, and for these purposes the board shall have power to call for the attendance of all persons, and for delivery of and access to all such documents, as may seem to them necessary, and may, by themselves, or by those authorized by them, enter, inspect, and examine all schools, school-houses, and such other buildings as to them may seem expedient, and each of the schools so adopted or erected by the board shall be deemed a "national school."

Board, with the sanction of the Lords of the Treasury, may appoint special commissioners.

12. For the purpose of enabling the board to fix the number of schools required in any parish or burgh, and to ascertain the condition of the school buildings, and the quality of the education furnished in the schools in Scotland, and to conduct special inquiries or make special reports, it shall be lawful for the board, from time to time, to appoint one or more special commissioners upon such terms, for such periods, and at such remuneration as may be sanctioned by the Lords of the Treasury; and such special commissioner or commissioners, when appointed, shall visit such districts, and enter and examine such schools, and render such reports, as he or they may be required to visit, enter, examine, and render by the board.

Board, with the sanction of a majority of the trustees, managers, or proprietors of any school, may adopt any school.

13. It shall be lawful for the board, with the consent of the trustees, managers, or proprietors of any school (other than an old national school), or, in the event of such school being maintained or partly maintained from a central fund, with the consent also of a majority of the trustees of such fund, which consent shall be testified by a declaration to that effect, signed by a majority of such trustees, managers, or proprietors, and upon such terms as may be agreed upon between the board and such trustees, managers, or proprietors, to resolve that any such school shall be adopted and established as a national school, and thenceforth such school shall be and shall be designated "an adopted national school," and shall continue to be managed and regulated in like manner as it was managed and regulated before

the passing of such resolution, except so far as may be agreed upon between the board and a majority of the managers, trustees, or proprietors of such school, and except so far as may be otherwise provided by this Act: Provided that the board may, at the desire of the trustees, managers, or proprietors, insert in the terms of agreement upon which such school is adopted any dates or periods, one or more, at which such agreement may be terminated by the trustees, managers, or proprietors, so that such school may then cease to be a national school: Provided also, that a majority of the trustees, managers, or proprietors for the time being of any such school shall have power and authority to agree to such terms as may be proposed by the board, after hearing all parties interested, notwithstanding the conditions and limitations contained in any feu charter or disposition or other deed relating to such school: Provided also, that the trustees or owners of any adopted national school may at any time, on giving one year's notice to the board, terminate the agreement and withdraw such school.

Board may resolve to erect new schools.

14. It shall be lawful for the board from time to time to resolve that it is expedient that one or more new schools should be provided, erected, and established in any parish or burgh, and to fix the situation of such new school or schools with the assent of the proprietor of such situation, or, in the event of no suitable situation being obtainable, with the consent of the proprietor thereof, the board may apply to the sheriff to fix the situation, and it shall be lawful for the sheriff, after due notice given and after hearing parties, to fix the situation; and the board shall direct such resolution, and the decision, if any, of the sheriff, to be intimated to the chairman of the school committee (appointed or to be appointed as herein-after provided) of the parish or burgh within which it is proposed to provide, erect, and establish such new school or schools; and if the said chairman shall, within thirty clear days after a day to be fixed by the board, intimate to the board, in writing, that two thirds of the members of such school committee in case they shall be six, or that three fourths in case they shall be four or eight, refuse to concur in such resolution, such new school or schools shall not be provided, erected, or established: Provided that after the expiration of twelve calendar months from the date of any such refusal it shall be lawful for the board to come to the same resolution, with such alterations in the terms thereof as may seem necessary, and to direct such renewed resolution to be intimated to the chairman of the school committee of such parish or burgh in like manner as aforesaid: Provided also, that in case two thirds or three fourths as aforesaid of such school committee shall, within the said period of thirty days, refuse

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to concur in such renewed resolution, but it shall appear to the board that the accommodation in efficient schools for the children in such parish or burgh is defective, it shall be lawful for the board to issue an order directing such school committee forthwith to carry into effect such renewed resolution.

School committee to take proceedings to erect school.

15. It shall be lawful for the school committee of any parish or burgh within which it has been duly resolved by the board to provide, erect, and establish a new school or schools, and they are hereby required (unless the board shall otherwise direct), forthwith to proceed with the erection or establishment of such new school or schools, and for that purpose either to take a lease of buildings, the terms of such lease and the sufficiency of such buildings being subject to the approval of the Board, or to obtain plans and to purchase ground for the necessary school buildings, and a teacher's residence (whenever such residence shall, in the opinion of the board, be required), or to purchase any existing school or other premises that may be approved by the board, and convert the same to school purposes; and in order to enable the said school committee so to do, the clauses of the Lands Clauses Consolidation (Scotland) Act, 1845, with respect to the purchase of lands by agreement, shall be incorporated herewith; and the expression "the promoters of the undertaking" in the said Lands Clauses Consolidation Act shall, for the purposes of this enactment, mean the school committee of any parish or burgh; and the majority of the trustees, managers, or proprietors of any school within any parish or burgh shall have power and authority to transfer or lease the school buildings, with the appurtenances and the furniture thereof, to the school committee of such parish or burgh, upon such terms as may, with the sanction of the board, be agreed upon, and such agreement shall be carried into effect notwithstanding the conditions and limitations contained in any feu charter or disposition or other deed relating to any such school: Provided that all parties interested in any school which may, in the opinion of the board, be subject to such conditions and limitations, shall have an opportunity of being heard by the board: Provided also, that in case of schools which have been established or partly established by monies received from a central fund, such school buildings shall not be transferred or leased without the consent of the majority of the trustees of such fund.

New schools to be "new national schools," and to be managed by school committee.

16. Every such new school, when so provided, erected, and established, shall be a national school, and shall be designated "a new national school," and shall be under the management of the school committee (appointed or to be appointed as herein-after

provided) of the parish or burgh within which such new school is situate. A.D. 1869.

School committee may elect teacher, &c.

17. Every school committee shall have power to elect from time to time a teacher or teachers for the school under their management, and to fix the amount of salary, which shall not be less than thirty-five pounds for the master of any school, unless the board shall otherwise direct, and to determine the branches of education to be taught, and, with the consent of the board, to adjust the school fees in the schools managed by such school committee, and such school fees shall be paid to the teacher, or, where there are two or more teachers, to any one of them whom the school committee may appoint, and shall be thereafter divided among such teachers in such proportions as the school committee, with consent of the board, may from time to time appoint, and such fees shall be paid at such times and for such periods as such committee shall direct.

Combined national school.

18. It shall be lawful for the school committees of two or more parishes, with the sanction of the board, to agree together for the purpose of establishing a new school or new schools which shall be common to such parishes, and every such new national school shall be and be designated a "combined national school;" and every such agreement shall specify the number of the members of the school committee who shall manage such combined national school or schools, and the mode in which such members shall be elected, and the proportion in which each of such parishes shall, out of the school assessment herein-after mentioned, contribute towards the erection, establishment, or maintenance of any such combined national school or schools, and the mode in which a treasurer shall be appointed; and the person so appointed treasurer shall, out of the said school assessment levied in each of the said several parishes, be entitled to receive such sum or sums of money as may from time to time be due according to the said agreement: Provided always, that the school committee of such combined national school or schools shall have all the powers which are hereby vested in any other school committee for the purpose of enabling them to erect, establish, or maintain a new national school or schools, except so far as may be otherwise provided by this Act.

School committees may combine to employ teachers of special subjects.

19. It shall be lawful for the school committees of two or more parishes, with the sanction of the board, to agree together for the employment of a teacher or teachers of special subjects, to be employed at convenient times in a selected number of or in all the schools of the parishes united for this purpose; and it shall be lawful for these parishes, with the consent of the board, to make

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arrangements by which each parish shall contribute out of its school assessment for the payment of the teacher or teachers of special subjects; and in any case where such a combination of schools shall be effected for this purpose a joint committee may be constituted in the manner provided in the immediately preceding section of this Act.

Power to convert old or adopted national schools into new national schools.

Conversion of old national schools into new national schools.

20. After the expiration of two years from the date of the passing of this Act, it shall be lawful for the heritors and minister of any parish, at a meeting summoned for the purpose by their clerk, on the request of any heritor, and of which notice shall have been given by letter sent to every heritor at least thirty free days before such meeting shall take place, to resolve from time to time that any old national school within such parish shall be converted into and established as a new national school: Provided always, that the conditions herein-after mentioned shall have been fulfilled.

Conversion of adopted schools into new national schools.

21. It shall be lawful for the managers, trustees, or proprietors of any adopted national school, at a meeting duly summoned for the purpose, to resolve from time to time that any such adopted national school shall be converted into and established as a new national school; provided that where any such adopted national school is maintained from a central fund the consent of the trustees of such fund shall be necessary before any further proceedings are taken upon such resolution to convert: Provided always, that the conditions herein-after mentioned shall have been fulfilled.

Manner of passing resolution for conversion of old or adopted schools into new national schools.

22. In case any such resolution to convert as aforesaid shall not have been passed by a majority of at least two thirds of the votes represented at any such meeting, no further proceedings shall be taken with respect to such conversion for the space of three years following the date of such meeting; but in case any such resolution shall have been passed by a majority of two thirds at least of such votes as aforesaid, it shall be lawful for the said heritors and minister, or trustees, managers, and proprietors respectively, at a meeting to be summoned for the purpose in the manner herein provided, and to be held not sooner than twelve calendar months after the date of such resolution as aforesaid, to reconsider the same, and no other question shall be put to such last-mentioned meeting but "approve" or "disapprove" of the said resolution; and in case two thirds at least of such votes as aforesaid shall be in favour of such resolution, the same shall be confirmed, and a copy thereof shall be transmitted by the chairman of such meeting to the

board, who shall forthwith consider the expediency or inexpediency of the same; and in case any such resolution shall not have been approved as aforesaid at any such last-mentioned meeting no further steps shall be taken with respect to such conversion for the space of one year following the date of such meeting.

Power of board to consider expediency of resolution to convert.

23. If the board shall resolve that it is inexpedient to carry such confirmed resolution into effect, no further proceedings shall be taken thereupon for the space of one year following such resolution of the board; but in case the board shall resolve that it is expedient to carry such confirmed resolution into effect, they shall transmit a copy of the resolution which they shall pass to that effect, together with a copy of such confirmed resolution as aforesaid, to the chairman of the school committee of the parish or burgh within which the school in such resolution referred to is situated; and in case there shall be no existing school committee within such parish or burgh, the board shall take such proceedings as herein-after mentioned for the appointment of such school committee as aforesaid, and of a chairman thereof; and unless such chairman shall, within thirty clear days after a day to be fixed by the board, intimate to the board in writing that two thirds or three fourths, as the case may be, of the members of such school committee refuse to concur in such resolutions, such school shall be converted into and established as a new national school.

Schools converted into new national schools shall be managed as such.

24. Every national school which shall have been converted into and established as a new national school under the provisions of this Act shall, from and after a day to be fixed by the board, be maintained and managed as a new national school; provided that the teacher of any old national school which shall have been converted into and established as a new national school shall remain the teacher thereof, and shall, after such conversion, be entitled during his continuance in that office (in addition to the school fees) to receive from the school committee of the parish within which any such converted school is situate not less than the amount of salary which he shall be entitled by law to receive from the said heritors at the date of such conversion; and that where at the time of such conversion there shall be a retired teacher of any such school entitled to a retiring allowance from the heritors, such retiring allowance shall thereafter be paid by the school committee; provided also, that the said heritors shall not, after the appointment of such school committee, be liable to contribute as heritors to such school in respect to any lands in the parish within which such school is situate; but nothing in this provision shall relieve them from contributing as ratepayers under any other provision of this Act.

Salaries of the retired or acting teachers of converted schools.

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Act not to affect certain bequests.

25. Nothing in this Act contained shall in any way affect the Dick Bequest in favour of the parochial schools in the counties of Aberdeen, Banff, and Moray, or the Milne Bequest in favour of the parochial schools in the county of Aberdeen, or any endowment, legacy, or bequest in favour of the existing parochial schools in Scotland, but such schools shall for the purposes and objects of the same be held to be parochial schools in their respective parishes, although conducted and maintained under the provisions of this Act, and the teacher of any such school shall have all the benefits and privileges of such endowment, legacy, or bequest which he would have had if this Act had not been passed.

Maintenance and repair of national schools.

School premises to be kept in repair, or built in certain cases, at the expense of the heritors and the school committee respectively.

26. The heritors of every parish and every school committee respectively shall, in all time after the passing of this Act, maintain and keep in repair, or in case the buildings shall have fallen into decay by accident or lapse of time shall rebuild, the schoolhouses and teachers houses respectively subject to their management in such manner as shall be satisfactory to the board, and on their failing so to do the board may direct any national school and teacher's house to be rebuilt or repaired in such manner and according to such plan as to them shall seem expedient, and shall be entitled to recover from the heritors of any parish or from any school committee respectively the cost of such rebuilding or repairs: Provided always, that the teacher's house of any old national school shall not be rebuilt on a greater scale than is necessary to satisfy the provisions of the Burgh and Parochial Schoolmasters Act, 1861, in regard to new houses for schoolmasters, unless the heritors shall at a meeting called for the purpose have consented thereto, and recorded their consent in a minute or resolution of the meeting, or unless the former house exceeded such provisions.

Enlargement of school premises.

27. It shall be lawful for the board to issue an order directing the heritors of any parish or any school committee respectively to enlarge, in such manner as to the board may seem expedient, any schoolhouse or teacher's residence subject to their management: Provided always, that where the teacher's residence of an old national school already has the extent of accommodation specified in the seventeenth section of the Burgh and Parochial Schoolmasters Act, 1861, it shall not be incumbent on the heritors to enlarge the same unless such enlargement shall have been agreed to at a meeting of heritors called for the purpose.

School committee shall have power

28. For the purpose of erecting or rebuilding any national schoolhouse or teacher's residence, or of enlarging, altering, or

repairing any new national schoolhouse or teacher's residence, the school committee of any parish or burgh respectively are hereby authorized and empowered to borrow money with the consent of the board; and for the more effectually securing the repayment of the sum or sums borrowed, with interest, it shall be lawful for the said school committee to burden or charge the future assessments which they are herein-after authorized to impose with the amount so borrowed: Provided that any loan of money borrowed for the purposes aforesaid shall be repaid by annual instalments of not less in any one year than of the sum borrowed, exclusive of the payment of the interest on the same; and for the purposes of such borrowing the provisions of the Commissioners Clauses Act, 1847, with respect to the mortgages to be executed by the commissioners, except the eighty-fourth section thereof, are hereby incorporated with this Act, and the term "commissioners" used in those provisions shall, for the purposes of this Act, mean the school committee.

to borrow, in order to enlarge, alter, or repair school premises.

29. From and after the passing of this Act, no national schoolhouse or teacher's residence shall be purchased or built, nor shall any national schoolhouse or teacher's residence be enlarged or altered, nor shall it be lawful to impose an assessment or borrow money for such purposes, unless the contract of purchase or the plan of such national schoolhouse or teacher's residence, or of such proposed enlargements or alterations, shall have been submitted to and approved by the board, and signed, subscribed, or endorsed by two members thereof, or the secretary, in attestation of their approval.

Plans for building, enlarging, or altering school premises to be approved by board.

30. Every schoolhouse or teacher's residence connected with or pertaining to any new national school shall be and is hereby vested in the school committee (who are hereby constituted a corporation for the purpose) of the parish or burgh within which the same is situated; provided that the school committee may validly convey and dispose of all school buildings vested or which may become vested in them, and which may, with the sanction of the board, be found by the school committee to be unnecessary for the purposes of this Act.

School premises vested in school committee, who may dispose of unnecessary buildings.

31. It shall be lawful for the heritors of any parish, or the trustees, managers, or proprietors of any school, or any school committee, in the event of their being dissatisfied with any order of the board relative to the erection, enlargement, alteration, maintenance, or repair of any school buildings or teacher's house,

Certain orders of board may be cancelled or altered by Secretary of State.

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within one month from the date of such order, to present a petition to the Secretary of State setting forth the terms of such order, and the reasons for which they desire the same to be cancelled or altered, as the case may be, and the Secretary of State shall, after such inquiry, if any, as he may see fit, approve, alter, or cancel such order, and every such order so approved or altered shall be carried into effect according to the provisions of this Act.

Schools may be held in premises let on lease.

32. And whereas in some cases, and especially in towns and in the neighbourhood of public works, the buildings and premises occupied by schools are held on lease or are erected on property held on lease, and in many cases it may be convenient and beneficial that schools should be accommodated in buildings and premises let on lease: It shall be lawful for school committees, with the sanction of the board, to allow schools under their management to be accommodated in premises let on lease under such regulations as may be prescribed by the board.

Election and constitution of school committees.

Election of school committee in landward parishes.

33. In every landward parish the members of the school committee shall be elected one third by the heritors, and two thirds by the ratepayers, not being heritors, of the parish, and the persons so elected shall continue in office for three years or until their successors shall be appointed, but the same persons may be re-elected, and in every case in which it shall have been duly resolved to establish a new national school in a landward parish (in which there is no existing school committee), the board shall forthwith intimate such resolution to the chairman of the parochial board of such parish, and shall issue an order fixing the number of members of the school committee of such parish, which shall be three, six, or nine, and also fixing the day or days on which the heritors and the ratepayers respectively shall hold meetings for the first election of such committee, and the period of the year at which each successive triennial election shall be held, and the manner in which meetings shall be called, and the business of the meeting conducted, and the votes of the ratepayers taken; and such order may be altered from time to time by the board, and notice of such order and of every alteration thereon shall be given to the ratepayers, and to all whom it may concern, in such manner as the board shall direct; and at such meetings of heritors it shall be competent for any absent heritor to vote by proxy or by a letter under his hand.

Election of school committee in burghs.

34. In every burgh in which it shall have been duly resolved by the board to establish a new national school (and in which there is

no existing school committee) the board shall forthwith intimate such resolution to the chief magistrate or administrator of the affairs of such burgh, and shall issue an order fixing the number of the members of the school committee of such burgh, which, unless the population shall exceed thirty thousand, shall be four, six, or eight; and the town council of such burgh shall meet on a day to be fixed by the board, and on the same day of the same month, or on the first lawful day thereafter, of every third year subsequently, and shall nominate such number of persons to be members of the said school committee as they are authorized to nominate, and shall intimate to any person who shall have been nominated the fact of his nomination as a member of such school committee, and shall also transmit to the secretary of the board the name, designation, and place of abode of every such member; and the members of the school committee shall (if the new national school is established in such burgh) remain in office until the first meeting of the school committee nominated in the third year next ensuing, and at each new nomination any member of such school committee may be again nominated: provided that the board may from time to time, upon a representation from the school committee, alter the day or period of the year at which such triennial meetings are appointed as aforesaid to be held for the election of the school committee.

Ratepayers or town council refusing to elect school committee.

35. In case the ratepayers in any parish, or the town council of any burgh, shall respectively neglect or refuse to elect or nominate the members of the school committee, which they shall respectively be directed by the board to elect or nominate, it shall be the duty of the board to nominate a school committee in such manner as they may think fit, and such school committee shall exercise the same powers, and continue in office so long, and be subject to the same rules and regulations, as if it had been elected or nominated by the ratepayers or town council respectively.

Meetings of school committees.

36. Every school committee shall hold their first meeting at such place and on such day as the board shall fix, and of the day and place of such meeting due notice shall be given in such manner as the board shall direct; and every such meeting may be adjourned; and a majority of the members for the time being of every such committee shall be a quorum; and in case of a vacancy in any such committee by death, resignation, or otherwise, the vacancy so caused shall be filled up by election or nomination, which shall be on a day to be fixed by the board, and conducted in like manner as herein-before is mentioned; and such election or nomination shall be made by the same class of persons as may

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have elected or nominated the person who has caused the vacancy, and the person elected to fill any vacancy shall hold office so long as the person into whose place he is elected might have held it; provided that it shall not be held to invalidate the acts of any school committee that no election or nomination has been made of the respective number of persons authorized to be elected or nominated.

Clerk of every school committee to inform board of names, &c. of members.

37. On or within two clear days after the day of the first meeting of each school committee the clerk thereof shall transmit to the secretary of the board a statement of the name, designation, and place of abode of each member of the school committee whereof he is clerk, and shall from time to time transmit a statement as to every vacancy, and the name, designation, and place of abode of every person who may be appointed to supply a vacancy in such school committee.

Office bearers.

Chairman, school treasurer, and clerk of national school.

38. The heritors and minister of every parish in which there is an old national school, and the managers, trustees, and proprietors of every adopted national school, and every school committee under this Act, shall appoint from amongst themselves a chairman, and shall also appoint a treasurer, and a clerk of the schools subject to their management respectively; and such treasurer and clerk may likewise be appointed by the aforesaids from amongst themselves if the board shall consent thereto, and, with the like consent, the same person may be appointed to be both treasurer and clerk; and the person so appointed chairman, whom failing, such person, being one of their number, as the members present at any meeting shall appoint, shall preside at every meeting of such school managers, and shall have both a deliberative and a casting vote; provided that every member present at any meeting shall have one vote, and any act done or resolution adopted by a majority of the votes represented at any meeting summoned by the said clerk shall be valid, except so far as may be inconsistent with the provisions of this Act; provided also, that nothing herein contained shall be construed to repeal or modify the seventh or twenty-second sections of the said recited Act of the forty-third year of the reign of His Majesty George the Third, chapter fifty-four, which sections of said recited Act shall be read as applicable also to all meetings of minister and heritors held in pursuance of the provisions of this Act.

Register of national schools and of attendance.

National schools shall be registered.

39. Every national school shall be registered at the office of the board, and such register shall contain the names and residences

of the heritors and minister of every parish, of the managers, trustees, and proprietors of every adopted national school, and of the members of the school committee of every parish or burgh, and shall set forth in respect to each national school the individual heritor, manager, trustee, proprietor, and member of the school committee who may be nominated chairman, treasurer, or clerk.

Register of scholars.

40. The teacher of every national school shall keep a register of the attendance of scholars according to the form prescribed by the board; and in case any teacher in any national school shall wilfully neglect or refuse so to do, it shall be lawful for the board to censure, suspend, or dismiss such teacher, and to withdraw his or her certificate of competency.

Inspectors.

H.M. inspectors to enter and examine national schools, and every national school shall be inspected once every year.

41. It shall be the duty of any of Her Majesty's inspectors or inspector's assistant of schools now acting in Scotland, or who may hereafter be appointed by Her Majesty, or by the Committee of Council, to act in Scotland, and every such inspector or inspector's assistant is hereby empowered to enter and inspect any national school in Scotland, or any school which receives any grant from the Committee of Council, which he may be from time to time directed by the Committee of Council to enter and inspect; and such inspector or inspector's assistant shall, if required so to do by the Committee of Council, examine the scholars thereof, and draw up such report and perform such duties as he may be directed to draw up and perform, and every such report shall be transmitted to the President of the Council, and a copy of every such report shall be presented to the board within one calendar month after it shall have been acted upon by the Committee of Council; and every national school in Scotland shall be inspected by such inspector or inspector's assistant once at least every twelve months, or as often as the Committee of Council shall by the code hereinafter mentioned direct; provided that no inspector or inspector's assistant shall examine any person in any national school in religious knowledge, unless he shall have been requested to do so by a majority of the managing body of such national school.

Certificates and examinations for the office of teacher.

Teachers in national schools to hold certificates of competency, and to

42. No person shall after the passing of this Act be appointed to the office of teacher in any national school who is not the holder of a certificate of competency; and every person who at the time of

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be entered in register kept by the board.

the passing of this Act is the teacher of a parochial school, but only so long as (unless qualified as herein-after mentioned) he shall remain the teacher of the same school, or who at the said time holds a teacher's certificate from the Committee of Council, or who shall hereafter obtain a certificate from the said committee, or from the board or from the examiners herein-after mentioned, shall be considered the holder of a certificate of competency under this Act, and the board shall keep a register, to be called the register of competent teachers, in which shall be entered the name of every holder of such certificate of competency, and the date of such certificate, and the name or description of the body by whom the same was granted, and the class or degree of competency to which such certificate applies; and the person or persons whose right it is to appoint the teacher of any national school shall before making such appointment require the candidate to produce evidence that he is the holder of such certificate of competency as in the opinion of the board qualifies him to be appointed as teacher of such school: Provided that after the aforesaid register shall have been established by the board, of which establishment the board shall give such notice as shall seem to them sufficient, the only evidence that any person is the holder of a certificate of competency under this Act shall be an extract from the said register certified in such manner as the board shall appoint, and such extracts shall be granted in such form and manner as the board shall appoint: Provided also, that it shall not be necessary for the teachers of special subjects who may be appointed under section twenty-six of this Act to take a certificate of competency as above provided; but before any such teachers of special subjects are employed such evidence of their fitness for the office shall be laid before the board as the board may see fit to require.

Board to make regulations as to examinations.

43. The sixteenth section of the recited Act of the forty-third year of George the Third, chapter fifty-four, and the ninth section of the recited Act of the twenty-fourth and twenty-fifth years of Her present Majesty, chapter one hundred and seven, shall be and are hereby repealed; and instead thereof be it enacted as follows: It shall be the duty of the board to make, on or before the day of , and thereafter from time to time, such regulations as they may see fit in regard to the time and manner and the standards of the examinations to be passed by such persons as desire to obtain a certificate of competency, and as to the subjects to which the several standards shall extend, and to regulate the notice to be given thereof; and such examinations shall be conducted by

examiners appointed in the manner herein-after provided; and the said regulations shall be published by advertisement in such manner as the board shall direct; and such examinations shall be held at such places or at such times as shall be fixed by the board.

Appointment of examiners by the university court and Committee of Council.

44. It shall be the duty of the university court of each university in Scotland, as soon as conveniently may be, and in no case later than three months after the passing of this Act, and thereafter from time to time, to appoint persons to be examiners of such as desire to obtain a certificate of competency, of such persons being professors in the faculty of arts of the university, and, in addition to the persons appointed as aforesaid by the universities, the Committee of Council shall from time to time nominate and appoint one or more than one examiner to be present and act at every examination.

Examiners to hold the office for two years, but may be re-appointed.

45. The persons so appointed shall continue to be examiners during two years from and after the date of their respective appointments, and until other persons shall have been in like manner appointed in their room; provided that it shall be lawful to the university court to re-appoint all or any of the same persons to be such examiners, and to fill up from time to time any vacancy which may occur by the death, resignation, or disqualification of any of the examiners; and it shall be lawful to each of the persons so appointed to nominate as his deputy, with power to act as his substitute in case of his absence at any meeting of the examiners, any person who may have become a graduate in arts of any university not later than three years prior to such nomination, provided that such nomination shall be approved by the board; and the examiners may appoint one of their number, or any one of their substitutes, to act as secretary.

Persons who intend to submit themselves to university examiners must send in their names to the secretary of the board.

46. Every person who intends to submit himself to the university examiners shall transmit his name, designation, and place of abode to the secretary of the board, stating the university at which such person desires to be examined, and the board shall thereupon appoint the time at which such person shall be examined; and the secretary of the board shall communicate to the examiners of such university the name of the candidate, and state the time at which such candidate shall be examined, and give notice thereof to the candidate; and the examiners of such university shall examine such person as to his fitness and qualification for the duties of the office of teacher, according to the regulations issued by the board, and shall satisfy themselves of his skill in the theory and practice of teaching, and being found qualified, the said examiners shall furnish to him a certificate to that

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effect, subscribed by them or by a majority of their number, which certificate shall specify the class or degree of competency to which it applies, and shall be conclusive evidence that he has passed the required examination, and has been found qualified for the said office in the class or degree therein specified; and upon such certificate being presented to the secretary of the board he shall enter upon the register of competent teachers the name of the person to whom such certificate was granted, and the other particulars herein-before required to be entered on the register.

Clause B. Treasury to pay to each examiner for each person examined.

47. It shall be lawful to the Commissioners of Her Majesty's Treasury to pay to the board, out of any monies which may be voted by Parliament for that purpose, the sum of for and in respect of such examination under the provisions of this Act, and the board shall make regulations according to which such sum shall be applied in remunerating the said examiners.

Board may place teachers in adopted schools on register of competent teachers without examination.

48. It shall be lawful for the board, if they shall see fit, to place on the register of competent teachers any person who, at the time when any school shall be adopted as a national school under the provisions of this Act, shall be a teacher in such school so adopted, without requiring such person to pass an examination before the university examiners herein-before mentioned: Provided always, that the board shall, before placing any such person on the said register, be satisfied that he is a fit and proper person to be a teacher of a national school, and may require him to produce such evidence of his fitness for the office of teacher as they may think necessary.

Jurisdiction of the board in respect to teachers.

21st sect. of 43 Geo. 3. c. 54., and 14th and 19th sects. of the Parochial and Burgh Schoolmasters (Scotland) Act, 1861, repealed.

If the board, upon inquiry, consider the teacher of an old national school incompetent, or morally unfit, they may permit him to resign, or may issue an order suspending or removing him from office.

49. The twenty-first section of the recited Act of the forty-third year of His Majesty George the Third, chapter fifty-four, and the fourteenth and nineteenth sections of the Parochial and Burgh Schoolmasters (Scotland) Act, 1861, are hereby repealed; and instead thereof be it enacted, that in case it shall appear to the board, from any report furnished by one of Her Majesty's inspectors of schools in Scotland, or upon such other inquiry as to the board may appear expedient, that the teacher of any national school appointed before the passing of this Act, from negligence or inattention, or want of ability in mind or body, has failed efficiently to discharge such duties, or has been guilty of immoral conduct, or of cruel or improper treatment of the scholars under his charge, the board may, after giving such teacher a full opportunity of being heard, permit such teacher to resign

the said office, or may issue an order admonishing, censuring, or suspending him for a period from such office, or removing him from the same.

Clause N.

In case of old age, &c. of teachers.

50. If on such inquiry as aforesaid it shall appear to the board that any teacher has become disqualified by reason of old age or any bodily or mental infirmity for the due performance of the duties of his office the board may permit such teacher to resign, or may remove him from the same.

Tenure of the office of teacher hereafter appointed.

51. Any teacher appointed to a national school after the passing of this Act shall be liable to be dismissed or suspended for a period from the office of such teacher by order of the board, provided that such order shall proceed on a complaint by an inspector, or by the school committee, or by the minister and heritors, or by the managers, trustees, or proprietors of the school, and such order shall be pronounced after giving such teacher a full opportunity of being heard, and after such inquiry as the board may think fit.

Power of board to suspend or withdraw the certificate of competency in certain cases.

52. It shall be lawful for the board to issue an order suspending or withdrawing the certificate of competency of any teacher, in case it shall be made to appear to their satisfaction, after such inquiry by the board as they may think fit, that the holder of such certificate has not, during five consecutive years immediately preceding such withdrawal, been in charge of a national school or has been guilty of any immoral conduct, or of cruel and improper treatment of the scholars under his charge, or that he is disqualified, because of infirmity or old age, for the due performance of the duties of his office, or that from negligence or inattention, or incapacity of mind or body, he has failed efficiently to discharge such duties; and every such teacher whose certificate shall have been suspended or withdrawn by the board shall forthwith cease to be a certificated teacher, and his name shall be struck off the register of competent teachers, and he shall be removed from the office of school teacher which he may then hold, and shall vacate the schoolroom and schoolhouse and other tenement which he may hold by virtue of his office, and shall cease to enjoy the emoluments attached to such school, and such person shall not be eligible as a candidate for such office during the period of such suspension or withdrawal: provided that no certificate shall be suspended for a longer period than six months, and shall be renewed upon such terms as to the board may seem expedient.

Salary during suspension of teacher.

53. In every case in which the teacher of any national school shall have been suspended by order of the board, the salary of such

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teacher in respect of the office shall cease and determine from the date of such suspension until the next term of Whitsunday or Martinmas following the expiration of the term of suspension specified by the board, or until such period as may be specified in the order of the board; and the salary accruing during the said period shall be applied toward providing a substitute for such teacher during the period of such suspension, and shall be administered in such manner as the board shall direct.

Teacher refusing or neglecting to quit school premises to be ejected by warrant from the sheriff.

54. If any teacher, contrary to any order of the board, shall refuse or fail to quit possession of any schoolroom, schoolhouse, or other tenement which he may hold by virtue of his office, it shall be the duty of the sheriff of the county within which such school premises are situate, upon application made to him by the secretary of the board, or by the chairman of the heritors, managers, trustees, or proprietors, or school committee of any national school, and upon production, along with such application, of a copy of the order of the board therein referred to, purporting to be signed by the secretary of the board, forthwith to grant warrant for ejecting such teacher from such school premises on not less than ten or more than twenty-one days charge, which warrant shall be enforced in common form, and shall not be liable to be stayed by suspension, reduction, or any other form of process.

School committee may make representation or complaint to the board.

55. Every school committee, or in the case of an old national school the heritors and minister, or in an adopted school the managers, trustees, or proprietors, may at any time make a representation or complaint to the board with respect to the operation of the general rules and regulations of the board in the case of the school under their management, or with respect to any matter relating to such school in regard to which the board have power, authority, or jurisdiction; and the board shall, without delay, cause such inquiry to be made or evidence to be taken as they may think necessary, and shall thereafter issue an order disposing of the matter contained in such representation or complaint.

Order of board to be final.

56. Every order of the board suspending or removing any teacher or suspending or withdrawing his certificate of competency shall be final, without appeal to or review by any court; and in every such order the board shall specify the period at which the person so suspended or removed as aforesaid, or whose certificate has been suspended or withdrawn, shall quit possession of the schoolroom, schoolhouse, or other tenement which he or she may hold by virtue of his or her office, and, if

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they think fit, the person or persons to whom possession thereof is to be delivered, and in case of any order of suspension the board shall specify therein the period (if any) at which the person so suspended as aforesaid may resume possession of the school premises.

Retiring Allowances.

Clause C. Retiring allowances for schoolmasters, appointed before the passing of this Act.

57. In every case in which the teacher of any old national school, appointed before the passing of this Act, may have resigned or been removed from office under the provisions of this Act, the heritors and minister may grant to such teacher a retiring allowance, payable during the remainder of his or her life: Provided always, that any schoolmaster of an old national school appointed before the passing of this Act shall have right to the same retiring allowance to which he would have been entitled if this Act had not been passed under the provisions of the "Parochial and Burgh Schoolmasters (Scotland) Act, 1861," at whatever time his retirement may take place; and such right to a retiring allowance shall not be affected by the conversion of any such old national school into a new national school; but such retiring allowance shall thereafter be paid by the School Committee.

Retiring allowances.

58. When any teacher shall have been permitted to resign, or have been removed by order of the board, or by withdrawal of his certificate by the board, under the provisions of this Act, and the board shall be of opinion that such removal or withdrawal of certificate was not occasioned by any fault on the part of such teacher, the heritors in the case of any old national school, and the school committee in the case of any new national school, if such teacher has served for more than ten years, shall, and in any other case may grant a retiring allowance, the amount whereof shall not be less than one half of the salary pertaining to the said office at the date of such withdrawal, and shall not exceed the gross amount of such salary, and the heritors or school committee shall have power to assess for such retiring allowance in like manner as they may assess for the schoolmaster's salary or for the "school assessment" herein-after mentioned: Provided also, such pension shall not be less than fifteen pounds, and every such retiring allowance shall be payable in like manner as the salary of the teacher.

Public local aid to new national schools. "School assessment."

Clause E. School committees to impose assess-

59. The school committee of any landward parish or burgh in which a school committee has been appointed shall, once each

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ment upon lands and heritages to maintain new national schools.

year, impose an assessment, to be called "the school assessment," upon all lands and heritages within the limits of such parish or burgh respectively, according to the yearly value thereof, as established by the valuation roll in force for the year of the assessment, and that at such a rate in every year as such school committee shall deem necessary, for the purpose of defraying the expense of providing, erecting, enlarging, and keeping in repair the buildings and teachers residences of or pertaining to the new national school or schools within such parish or burgh, or for which such school committee may be bound to provide, and of paying the salaries and retired allowances of teachers in such new national schools as last aforesaid, including such sum as may be requisite to cover the estimated expense of assessment, collection, and management, and any arrears of preceding years, and of otherwise maintaining or contributing to maintain the new national schools towards the maintenance of which any such school committee may be bound to contribute: Provided always, that no grant out of any school assessment shall be made by any school committee to any school unless such school shall be a new national school, or a combined national school, within the meaning of this Act: Provided also, that such assessment shall in no case exceed in any year threepence in the pound on the said yearly value of lands and heritages within the limits of any parish or burgh.

Recovery of assessments.

Clause F. Assessments to be payable from Whitsunday to Whitsunday, and to be paid half by the proprietor and half by the occupier.

60. The several assessments to be laid on in each year under the provisions of this Act shall be payable respectively as for the period from Whitsunday in the year in which the same are imposed to Whitsunday in the year immediately following, and may be levied either on the proprietor or occupier of such lands and heritages; but the proprietor, in the event of his paying such assessment, shall be entitled to claim from the occupier one half the amount thereof; and the occupier, in the event of his paying such assessment, shall be entitled to deduct one half the amount from the rent payable by him; provided that if there shall be any deficiency in the funds available during any year for current expenses, the same may be made good in imposing any subsequent assessment, and if there be any surplus of funds for current expenses at the term of Whitsunday, the same may be applied to the current expenses of the ensuing year; provided also, that nothing in this Act contained shall affect the relative rights and liabilities of proprietors and occupants inter se under any agreement between them already made or that may hereafter be made; provided always,

that in no case shall the whole assessment imposed in any one year under the provisions of this Act exceed the amount of threepence in the pound.

Clause G. Premises under 4*l.* in burghs or counties unoccupied.

61. In the case of lands and heritages let at a rent under four pounds per annum, or for a less period than half a year, deduction shall be allowed of the assessment for each period of six months from Whitsunday to Martinmas, or from Martinmas to Whitsunday, during which any such premises shall be unoccupied or not furnished.

Clause H. Exception on ground of poverty.

62. The school committee of any parish or burgh may, on the ground of the poverty of any person liable in assessment under this Act in respect of any lands and heritages in value not exceeding four pounds per annum, remit, in whole or in part, payment of the said assessment by such person, in such manner as they shall, in their discretion, think just and reasonable, but upon no other account whatsoever.

Clause I. Power to recover assessments.

63. The whole powers and rights of issuing summary warrants for recovery of the land and assessed taxes shall be applicable to the assessments of this Act authorized to be imposed and levied, and sheriffs, magistrates, justices of the peace, and other judges shall grant warrant for the recovery of such assessments, in the like form and under the like penalties as is provided in regard to such land and assessed taxes and other public taxes; and all assessments imposed in virtue of this Act shall, in the case of bankruptcy or insolvency, be paid out of the first proceeds of the estate, and shall be preferred to all other debts of a private nature due by the parties assessed.

Clause K. Disputes as to assessment to be settled by sheriff.

64. Any dispute which may arise between the school committees or any person or persons acting under them respectively on the one part, and any person holding himself aggrieved on the other, relating to any assessment under this Act which it may not be competent or convenient to try and determine in the sheriff small debt court, shall be determined in a summary manner by the sheriff of the county in which such dispute shall arise, or of the county in which the school is situate in respect of which such assessment is leviable; and such sheriff shall, on a written petition being presented to him by any of the said parties, appoint them to appear before him, and shall then investigate the matter in dispute in such way as he may think proper, and decide the same summarily; and such decision shall be final, and shall not be subject to appeal or review in any court or by any process whatsoever.

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CLAUSE L.

Parliamentary grant.

One third the sum required to enlarge, rebuild, or erect any national school shall be paid by the Committee of Council out of parliamentary grant.

65. It shall be lawful for the Committee of Council, out of the sums to be annually voted by Parliament for education, to pay to the treasurer or managers of any school, subject to be inspected by the said committee, in any insular parish of any of the counties of Ross, Inverness, or Argyll, or in the islands of Orkney or Shetland, or in any other place for that purpose described in the code to be issued as herein-after mentioned, one half of the sum which may be required to establish or erect, enlarge or rebuild, such school or teacher's residence: Provided always, that such payments shall be made under such conditions and subject to such general rules and regulations as may from time to time be laid down by the Committee of Council.

Grant for maintenance.

66. Grants shall be made by the Committee of Council to the treasurer or managers of any school which at the passing of this Act, or at any time thereafter, may be subject to be inspected by the said committee, according to the rates and under the conditions prescribed by the code to be issued in the manner specified in the schedule hereto appended and marked A.; subject nevertheless to the provisions contained in such schedule: Provided always, that it shall not be lawful to the said Committee of Council to make such grants as aforesaid to any school, not being a national school, erected or established more than two years after the passing of this Act, unless the board shall certify in a special report to the said committee that such school will be suitable to and is needed for the population in the locality in which such school is situate, and shall state the grounds on which such certificate is founded.

Mode of enforcing this Act.

Mode of enforcing the provisions of this Act.

67. In case the town council of any burgh, the heritors of any parish, or the managers, trustees, or proprietors, or the teacher of any national school, or any of the members of the school committee of any parish or burgh, or any other person, shall refuse or neglect to do what is herein or otherwise by law required of them, or in case any obstruction shall arise in the execution of this Act, it shall be lawful for the board to apply, by summary petition, to the Court of Session, or, during the vacation of the said court, to the Lord Ordinary on the bills, which court and Lord Ordinary are hereby authorized and directed in such case to do therein as to such court or Lord Ordinary shall seem just and necessary; and the judgment of such court or of the Lord Ordinary shall be final, and shall not be

subject to appeal or review in any court or by any process whatsoever. A.D. 1869.

Conscience Clause.

68. Every national school, or school which receives any grant from the Committee of Council, shall be open to children of all denominations, and any scholar in such school may be withdrawn from any religious teaching or service to which his or her parents may object; and if the heritors or minister, or the trustees, managers, or proprietors, or the school committee having the management of any such school, or any teacher thereof, shall, in the opinion of the board, neglect or refuse to permit such withdrawal, such school shall in no case share in the grant voted by Parliament for education, and (if a new national school) shall not be entitled to any share in the school assessment herein-before mentioned. Conscience clause.

69. This Act may be cited for all purposes as The Education (Scotland) Act, 1869. Short title.

SCHEDULE A.

The Committee of Council, within months after the passing of this Act, shall issue a code of minutes and regulations according to which the sum of money voted by Parliament for public education shall be distributed in Scotland; and the Committee in the course of each year, as occasion requires, may cancel or modify any articles of the said code, or may establish new articles, except as herein-after mentioned, but the said code, or any alterations which shall be made thereon, shall not have any effect or operation until the same shall have been submitted to Parliament, and laid on the table of both Houses for at least one calendar month; and such code of minutes and regulations in force for the time being shall contain no directions or impose no conditions at variance with the regulations following; (that is to say,)

Rule First.—The object of Parliament in voting such sum is to defray part of the cost of educating the scholars in schools in Scotland; and of training teachers for inspected schools, in normal schools, or elsewhere; and in framing a code of minutes and regulations for the distribution of such sum, due care shall be taken by the said Committee that the standard of education which now exists in the parochial schools shall not be lowered, and that, as far as possible, as high a standard shall be maintained in all schools in Scotland inspected by the said committee.

Rule Second.—No grant shall be made by the said Committee to any school in Scotland, unless and until the said Committee shall have received a report from one of Her Majesty's inspectors or inspectors assistants, or such report as to the said Committee shall be satisfactory, that such school has during the previous year been taught by a teacher holding such certificate of competency as herein-before mentioned, and that such school satisfies the conditions and has complied with the regulations in the said code contained and in force for the time being.

Rule Third.—The amount of such annual grant for the maintenance of any school shall not, except as herein-after mentioned, exceed the amount of local contributions as herein-after defined and shown by the account of the treasurer or managers of the said school to have been appropriated during the previous year to its maintenance; and the said account shall be kept in such form and audited in such manner as the said Committee may from time to time direct.

Rule Fourth.—For the purposes of this Act the following sources of annual income shall be taken to be local contributions; (that is to say,)—first, all sums derived from the legal assessment of the heritors of any parish beyond the minimum sum fixed by the Parochial and Burgh Schoolmasters (Scotland) Act (1861); second, all sums derived from voluntary subscribers; third, all sums derived from the trustees of any bequest or endowment, subject nevertheless to such rules and regulations as may be laid down in respect thereto by the said code; fourth, all sums derived from school fees; fifth, all sums derived from the school assessment herein-before mentioned.

Rule Fifth.—In any insular parish in the county of Ross, Inverness, or Argyll, or in Orkney and Shetland, or in any landward parish, where respec-

tively a school assessment of 3*d.* in the pound shall have been levied, and shall yield, either less than £30 per annum for every national school within the said parish, or less than 18*s.* per head on one sixth part of the population of any such parish according to the latest census, it shall be lawful for the Committee of Council to grant to the treasurer or managers of any school inspected as aforesaid, and situated within any such parish at the end of each year, in addition to any sum to be granted according to the number of scholars in average attendance,—

(*a.*) Any sum not exceeding twice the rate of grant (for the time being in force) for every scholar who is admitted to and passes an examination according to the provisions of the said code, or who, being under the age for such examination, fulfils the conditions to be prescribed by the said code.

Provided always, that the total sum in any year granted by the said Committee for the maintenance of any such school situate in any such parish as in this fifth rule specified shall not exceed the sum of 16*s.* per scholar, according to the average number in attendance at such school throughout the previous year.

Parochial Schools (Scotland). [H.L.]

A

BILL

[AS AMENDED IN COMMITTEE]

INTITULED

An Act to extend and improve the Parochial Schools of Scotland, and to make further provision for the Education of the People of Scotland.

(*Brought from the Lords* 14 *June* 1869.)

Ordered, by The House of Commons, *to be Printed,* 13 *July* 1869.

[Bill 215.]

Under 4 *oz.*

A

B I L L

[AS AMENDED IN COMMITTEE AND ON CONSIDERATION OF BILL AS AMENDED]

INTITULED

An Act to extend and improve the Parochial Schools of Scotland, and to make further provision for the Education of the People of Scotland. A.D. 1869.

WHEREAS an Act was passed by the Parliament of Scotland, in the First Parliament of King William, in the year one thousand six hundred and ninety-six, intituled "Act for settling of Schools:" And whereas another Act was passed in the session of the forty-third year of the reign of His Majesty King George the Third, chapter fifty-four, intituled "An Act for making better "provision for the Parochial Schoolmasters, and for making further "regulations for the better government of the Parish Schools, in "Scotland;" and another Act was passed in the session of the first and second years of the reign of Her present Majesty, chapter eighty-seven, intituled "An Act to facilitate the foundation and "endowment of additional Schools in Scotland;" and another Act was passed in the session of the twenty-fourth and twenty-fifth years of the reign of Her present Majesty, chapter one hundred and seven, intituled "The Parochial and Burgh Schoolmasters (Scotland) Act, 1861:" And whereas it is desirable that the present system of parochial schools in Scotland should be extended and enlarged, and that provision should be made for the improvement of existing schools other than parochial schools, and for the supply of additional schools throughout Scotland: Act of 1696. 43 Geo. 3. c. 54. 1 & 2 Vict. c. 87. 24 & 25 Vict. c. 107.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. In this Act the following words shall have the meanings hereby assigned to them: Definitions.

"Committee of Council" shall mean the Committee of Her Majesty's Most Honourable Privy Council for Education: "Committee of Council:"

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"The board:" The "board" shall mean the board of education established by this Act:

"Parochial school:" "Parochial school" shall mean and include every school provided for under the recited Act of the forty-third year of the reign of His Majesty George the Third, chapter fifty-four, or the "Parochial and Burgh Schoolmasters (Scotland) Act, 1861," and every school taught by a teacher appointed under the eleventh section of the recited Act of the forty-third year of the reign of His Majesty George the Third, chapter fifty-four:

Side school teacher:

"Parliamentary school:" "Parliamentary school" shall mean any school established or to be established under the said recited Act of the first and second years of the reign of Her Majesty, chapter eighty-seven:

"National school:" "National school" shall mean—1. An old national school; 2. An adopted national school; 3. A new national school.

"Burgh:" "Burgh" shall include and apply to cities, burghs, and towns which are royal burghs, or which send or contribute as burghs to send a member to Parliament:

"Limits of burghs:" "Limits of a burgh" shall mean the boundaries of any burgh as the same are ascertained and fixed under the provisions to that effect contained in the "Prisons (Scotland) Administration Act, 1860:"

"Town councils:" "Town councils" shall include the lord provost or provost or chief magistrate, and the magistrates and council of burghs:

"Landward parish:" "Landward parish" shall mean any parish the whole or any portion of which is situate without the limits of any burgh:

"The limits of a landward parish:" "The limits of a landward parish" shall mean any such parish, exclusive of such portion as may be situate within the limits of any burgh:

"Lands and heritages:" "Valuation roll:" "Lands and heritages" and "valuation rolls" shall have the same meanings as are assigned to these words in an Act passed in the session held in the seventeenth and eighteenth years of the reign of Her Majesty, chapter ninety-first, intituled "An Act for "the valuation of lands and heritages in Scotland;" and another Act to amend the same, passed in the session held in the twentieth and twenty-first years of the same reign, chapter fifty-eight:

"Ratepayer of a parish:" "Ratepayer of a parish" shall mean every person whose name shall for the time being appear as proprietor or tenant and occupant of lands and heritages within such parish to any value above four pounds on the valuation rolls of any county or burgh, made up in terms of the Acts last herein-after mentioned:

"The heritors:" "The heritors" shall mean all owners of land in the parish who are liable to be assessed on their valued rent for payment of schoolmasters salary:

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"Secretary of State."

The "Secretary of State" shall mean one of Her Majesty's Principal Secretaries of State.

Constitution of the Board and their Secretary.

Board of Education for Scotland established.

2. A Board of Education is established by this Act for carrying into effect the purposes thereof which shall be called "The Board of Education for Scotland," which shall be composed of the Lord Advocate and the Solicitor General for Scotland for the time being, and three other persons to be named by Her Majesty, one of whom shall be named as chairman; and it shall be lawful for the Lords Commissioners of Her Majesty's Treasury to pay to such chairman a salary not exceeding one thousand pounds per annum, and to each of the other two persons so to be named a salary not exceeding seven hundred and fifty pounds per annum; and the said persons shall hold office for the period of three years: Provided that it shall be lawful to Her Majesty in Council to prolong such period for two years more; and it shall be lawful for the said commissioners to make provision for office rent, clerks, and other incidental expenses of the said board, and Her Majesty shall have power, in the event of any vacancy occurring by the death, resignation, or otherwise of any such persons, to fill up such vacancy by another appointment under a like writing, and two shall be a quorum of such board.

Secretary.

3. Her Majesty, by any writing under the hand of the Secretary of State, may appoint a person to be secretary to the board, and in the event of any vacancy occurring by the death, resignation, or otherwise of any such person Her Majesty may in like manner appoint another person to be the secretary to the board; and every secretary shall be removable from his office by Her Majesty on the application of the board, and with the sanction, in writing, of the Secretary of State.

Meetings of the Board.

Meeting of the board. Three members to be a quorum.

4. The seat of the board shall be in Edinburgh, and the board shall hold ordinary and half-yearly meetings there at such times and periods of the year as the Secretary of State may from time to time fix; and the board shall have power from time to time to adjourn any meeting, and to hold special meetings at such time and place as they may think fit; and from and after the date fixed for the first meeting of the board all orders and proceedings of the board shall be valid, notwithstanding any vacancies among the members thereof; and it shall be the duty of the chairman of the board, not

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only to attend at the general and the special or adjourned meetings, but to give regular attendance for the purpose of conducting the business of the board; provided that in case of the absence of the chairman at any meeting the senior member of the board present may act as chairman of such meeting.

Clause (O.) Board Meetings.

5. The board shall hold their meetings in public on the following occasions:

The half yearly meetings:

Meetings for the cognizance of offences under this Act:

Meetings for the purpose of considering orders relative to the establishment of new national schools:

Orders relative to the building and enlargement of school buildings or schoolmasters houses:

Meetings for considering certificates to the Committee of Council for special grants from the same.

Power to appoint committees.

6. The board shall have power, as often as they may deem fit, to appoint any one or two of their number as a committee for the purposes of this Act; and it shall be lawful for such committee, in transacting the business committed to him or them, to exercise all the powers necessary for that purpose which are by this Act given to the board; and such committee shall be bound to report to the board at such time or times as they shall direct, and, failing such direction, shall report to the board at their next general statutory meeting.

Power to make rules and regulations, which shall be laid before Parliament.

7. It shall be lawful for the board, from time to time as they shall see occasion, to make general rules and regulations for conducting the business of the board, for appointing forms of procedure in exercising the jurisdiction of the board, and generally for carrying into effect the powers and authorities hereby conferred upon them, and to alter such rules and regulations; and such rules, regulations, and alterations, or a copy thereof, shall, in January of each year, be printed in such form as to show separately all rules and regulations cancelled or modified, and all new regulations, and shall annually be laid on the table of both Houses of Parliament within one calendar month from the meeting thereof: provided that such rules, regulations, or alterations as aforesaid shall not have any effect or operation until the same shall have been submitted to Parliament, and laid on the table of both Houses for at least one calendar month.

Board to keep a record, and submit report to President

8. The board shall make a record of their proceedings, in which shall be entered minutes of all meetings held by them, or any

committee appointed by them, and all resolutions passed and orders made by them, and all other matters which the board may judge proper; and the board shall once in every year submit to the President of Her Majesty's Privy Council a general report of their proceedings, which report shall contain in particular a full statement as to the national schools herein-after mentioned in Scotland, and the funds raised for building, enlarging, and maintaining such schools; and every such report shall be laid before both Houses of Parliament within six weeks after the receipt of the same by such President of the Council, if Parliament be then sitting, or if Parliament be not sitting then within six weeks of the next meeting thereof.

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of Council, which shall be laid before Parliament.

Parochial Schools.

9. Every parochial school and every parliamentary school is hereby declared to be a "national school," and shall from and after the passing of this Act be designated "an old national school."

Parochial and parliamentary schools shall be old national schools.

10. All heritors liable to pay schoolmaster's salary under the herein-before recited Acts, or any of them, shall be entitled to vote in the election of the schoolmaster, and in all other matters at which heritors are entitled to vote under said Acts, or any of them, irrespective of the amount of their valued rent.

Clause P. Vote of heritors in election of schoolmasters.

Power to adopt or erect schools.

11. It shall be the duty of the board from time to time, as well as immediately upon the passing of this Act, to ascertain and fix, as regards each parish and burgh in Scotland, what amount of school accommodation is necessary in order to provide adequate means of instruction within such parish or burgh, and to decide with regard to each of such parishes and burghs whether any school or schools in addition to the existing parochial and parliamentary schools ought to be adopted or erected therein under this Act, due regard being had to the number of private or endowed schools already existing in the parish or burgh, and the quality of the education furnished therein, and for these purposes the board shall have power to call for the attendance of all persons, and for delivery of and access to all such documents, as may seem to them necessary, and may, by themselves, or by those authorized by them, enter, inspect, and examine all schools, schoolhouses, and such other buildings as to them may seem expedient, and each of the schools so adopted or erected by the board shall be deemed a "national school."

Board to fix as to each parish or burgh the number of schools required.

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Board, with the sanction of the Lords of the Treasury, may appoint special commissioners.

12. For the purpose of enabling the board to fix the amount of school accommodation required in any parish or burgh, and to ascertain the condition of the school buildings, and the quality of the education furnished in the schools in Scotland, and to conduct special inquiries or make special reports, it shall be lawful for the board, from time to time, to appoint one or more special commissioners upon such terms, for such periods, and at such remuneration as may be sanctioned by the Lords of the Treasury; and such special commissioner or commissioners, when appointed, shall visit such districts, and enter and examine such schools, and render such reports, as he or they may be required to visit, enter, examine, and render by the board; and it shall be the duty of the board to inquire into the nature and amount of the funds devoted to the maintenance or education of young persons, and they shall also inquire into the administration or management of schools wholly or in part supported by endowments, and to the system and course of study pursued therein, and to report to the Secretary of State for the Home Department whether any and what changes in the administration and use of such endowments are expedient by which their usefulness and efficiency may be increased.

Board may resolve to erect new schools.

13. It shall be lawful for the board from time to time to resolve that it is expedient that one or more new schools should be provided, erected, and established in any parish or burgh, and to fix the situation of such new school or schools with the assent of the proprietor of such situation, or, in the event of no suitable situation being obtainable, with the consent of the proprietor thereof, the board may apply to the sheriff to fix the situation, and it shall be lawful for the sheriff, after due notice given and after hearing parties, to fix the situation; and the board shall direct such resolution, and the decision, if any, of the sheriff, to be intimated to the chairman of the school committee (appointed or to be appointed as herein-after provided) of the parish or burgh within which it is proposed to provide, erect, and establish such new school or schools; and if the said chairman shall, within thirty clear days after a day to be fixed by the board, intimate to the board, in writing, that two thirds of the members of such school committee in case they shall be six, or that three fourths in case they shall be four or eight, refuse to concur in such resolution, such new school or schools shall not be provided, erected, or established: Provided that after the expiration of twelve calendar months from the date of any such refusal it shall be lawful for the board to come to the same resolution, with such alterations in the terms thereof as may seem necessary, and to direct such renewed

resolution to be intimated to the chairman of the school committee of such parish or burgh in like manner as aforesaid: Provided also, that in case two thirds or three fourths as aforesaid of such school committee shall, within the said period of thirty days, refuse to concur in such renewed resolution, but it shall appear to the board that the accommodation in efficient schools for the children in such parish or burgh is defective, it shall be lawful for the board to issue an order directing such school committee forthwith to carry into effect such renewed resolution.

School committee to take proceedings to erect school.

14. It shall be lawful for the school committee of any parish or burgh within which it has been duly resolved by the board to provide, erect, and establish a new school or schools, and they are hereby required (unless the board shall otherwise direct), forthwith to proceed with the erection or establishment of such new school or schools, and for that purpose either to take a lease of buildings, the terms of such lease and the sufficiency of such buildings being subject to the approval of the Board, or to obtain plans and to purchase ground for the necessary school buildings, and a teacher's residence (whenever such residence shall, in the opinion of the board, be required), or to purchase any existing school or other premises that may be approved by the board, and convert the same to school purposes: Provided that if such premises have been in part erected by any grant from Government, the price to be paid to the proprietors thereof shall suffer deduction in the proportion which such grant bore to the cost price of such premises and site; and in order to enable the said school committee so to do, the clauses of the Lands Clauses Consolidation (Scotland) Act, 1845, with respect to the purchase of lands by agreement, shall be incorporated herewith; and the expression "the promoters of the undertaking" in the said Lands Clauses Consolidation Act shall, for the purposes of this enactment, mean the school committee of any parish or burgh; and the majority of the trustees, managers, or proprietors of any school within any parish or burgh shall have power and authority to transfer or lease the school buildings, with the appurtenances and the furniture thereof, to the school committee of such parish or burgh, upon such terms as may, with the sanction of the board, be agreed upon, and such agreement shall be carried into effect notwithstanding the conditions and limitations contained in any feu charter or disposition or other deed relating to any such school: Provided that all parties interested in any school which may, in the opinion of the board, be subject to such conditions and limitations, shall have an opportunity of being heard by the board:

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Provided also, that in case of schools which have been established or supported or partly established and supported by monies received from a central fund, such school buildings shall not be transferred or leased without the consent of the majority of the trustees or managers of such fund.

New schools to be "new national schools," and to be managed by school committee.

15. Every such new school, when so provided, erected, and established, shall be a national school, and shall be designated "a new national school," and shall be under the management of the school committee (appointed or to be appointed as herein-after provided) of the parish or burgh within which such new school is situate.

School committee may elect teacher, &c.

16. Every school committee shall have power to elect from time to time a male, or, with the consent of the board, a female, teacher or teachers for the school under their management, or, with the like consent, an itinerant teacher, and to fix the amount of salary, which shall not be less than thirty-five pounds nor more than one hundred pounds per annum from local assessment for the master of any school, unless the board shall otherwise direct, nor less than twenty pounds for the mistress of any school, where the school committee, with the consent of the board, shall consider a mistress sufficient for the purposes of the school, unless the board shall otherwise direct, and to determine the branches of education to be taught, and, with the consent of the board, to adjust the school fees in the schools managed by such school committee, and such school fees shall be paid to the teacher, or, where there are two or more teachers, to any one of them whom the school committee may appoint, and shall be thereafter divided among such teachers in such proportions as the school committee, with consent of the board, may from time to time appoint, and such fees shall be paid at such times and for such periods as such committee shall direct.

Combined national school.

17. It shall be lawful for the school committee of any parish or burgh, with the sanction of the board, to agree with the school committee of any other parish or burgh for the purpose of establishing a new school or new schools which shall be common to such parishes and burghs, and every such new national school shall be and be designated a "combined national school;" and every such agreement shall specify the number of the members of the school committee who shall manage such combined national school or schools, and the mode in which such members shall be elected, and the proportion in which each of such parishes and burghs shall, out of the school assessment herein-after mentioned, contribute

towards the erection, establishment, or maintenance of any such combined national school or schools, and the mode in which a treasurer shall be appointed; and the person so appointed treasurer shall, out of the said school assessment levied in each of the said several parishes and burghs, be entitled to receive such sum or sums of money as may from time to time be due according to the said agreement: Provided always, that the school committee of such combined national school or schools shall have all the powers which are hereby vested in any other school committee for the purpose of enabling them to erect, establish, or maintain a new national school or schools, except so far as may be otherwise provided by this Act.

School committees may combine to employ teachers of special subjects.

18. It shall be lawful for the school committees of any parish or burgh, with the sanction of the board, to agree with the school committee of any other parish or burgh for the employment of a teacher or teachers of special subjects or branches of education, to be employed at convenient times in a selected number of or in all the schools of any parish or burgh united for this purpose; and it shall be lawful for such parishes or burghs, with the consent of the board, to make arrangements by which each parish or burgh shall contribute out of its school assessment for the payment of the teacher or teachers of special subjects or branches of education; and in any case where such a combination of schools shall be effected for this purpose a joint committee may be constituted in the manner provided in the immediately preceding section of this Act.

Power to convert old or adopted national schools into new national schools.

Conversion of adopted schools into new national schools.

19. It shall be lawful for the managers, trustees, or proprietors of any adopted national school, at a meeting duly summoned for the purpose, to resolve from time to time that any such adopted national school shall be converted into and established as a new national school; provided that where any such adopted national school is maintained or partly maintained from a central fund the consent of the trustees of such fund shall be necessary before any further proceedings are taken upon such resolution to convert: Provided always, that the conditions herein-after mentioned shall have been fulfilled.

Manner of passing resolution for conversion of old or adopted schools into new national schools.

20. In case any such resolution to convert as aforesaid shall not have been passed by a majority of at least two thirds of the votes represented at any such meeting, no further proceedings shall be taken with respect to such conversion for the space of one year

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following the date of such meeting; but in case any such resolution shall have been passed by a majority of two thirds at least of such votes as aforesaid, the same shall be confirmed, and a copy thereof shall be transmitted by the chairman of such meeting to the board, who shall forthwith consider the expediency or inexpediency of the same.

Power of board to consider expediency of resolution to convert.

21. If the board shall resolve that it is inexpedient to carry such confirmed resolution into effect, no further proceedings shall be taken thereupon for the space of one year following such resolution of the board; but in case the board shall resolve that it is expedient to carry such confirmed resolution into effect, they shall transmit a copy of the resolution which they shall pass to that effect, together with a copy of such confirmed resolution as aforesaid, to the chairman of the school committee of the parish or burgh within which the school in such resolution referred to is situated; and in case there shall be no existing school committee within such parish or burgh, the board shall take such proceedings as herein-after mentioned for the appointment of such school committee as aforesaid, and of a chairman thereof; and unless such chairman shall, within thirty clear days after a day to be fixed by the board, intimate to the board in writing that two thirds or three fourths, as the case may be, of the members of such school committee refuse to concur in such resolutions, such school shall be converted into and established as a new national school.

Schools converted into new national schools shall be managed as such.

22. Every national school which shall have been converted into and established as a new national school under the provisions of this Act shall, from and after a day to be fixed by the board, be maintained and managed as a new national school.

Maintenance and repair of national schools.

School premises to be kept in repair, or built in certain cases, at the expense of the heritors and the school committee respectively.

23. Every school committee respectively shall, in all time after the passing of this Act, maintain and keep in repair, or in case the buildings shall have fallen into decay by accident or lapse of time shall rebuild, the schoolhouses and teachers houses respectively subject to their management in such manner as shall be satisfactory to the board, and on their failing so to do the board may direct any national school and teacher's house to be rebuilt or repaired in such manner and according to such plan as to them shall seem expedient, and shall be entitled to recover from the heritors of any parish or from any school committee respectively the cost of such rebuilding or repairs.

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Enlargement of school premises.

24. It shall be lawful for the board to issue an order directing any school committee to enlarge, in such manner as to the board may seem expedient, any schoolhouse or teacher's residence subject to their management.

School committee shall have power to borrow, in order to enlarge, alter, or repair school premises.

25. For the purpose of erecting or rebuilding any national schoolhouse or teacher's residence, or of enlarging, altering, or repairing any new national schoolhouse or teacher's residence, the school committee of any parish or burgh respectively are hereby authorized and empowered to borrow money with the consent of the board; and for the more effectually securing the repayment of the sum or sums borrowed, with interest, it shall be lawful for the said school committee to burden or charge the future assessments which they are herein-after authorized to impose with the amount so borrowed: Provided that any loan of money borrowed for the purposes aforesaid shall be repaid by annual instalments of not less in any one year than one thirtieth part of the sum borrowed, exclusive of the payment of the interest on the same; and for the purposes of such borrowing the provisions of the Commissioners Clauses Act, 1847, with respect to the mortgages to be executed by the commissioners, except the eighty-fourth section thereof, are hereby incorporated with this Act, and the term "commissioners" used in those provisions shall, for the purposes of this Act, mean the school committee.

Plans for building, enlarging, or altering school premises to be approved by board.

26. From and after the passing of this Act, no national schoolhouse or teacher's residence shall be purchased or built, nor shall any national schoolhouse or teacher's residence be enlarged or altered, nor shall it be lawful to impose an assessment or borrow money for such purposes, unless the contract of purchase or the plan of such national schoolhouse or teacher's residence, or of such proposed enlargements or alterations, shall have been submitted to and approved by the board, and signed, subscribed, or endorsed by two members thereof, or the secretary, in attestation of their approval.

School premises vested in school committee, who may dispose of unnecessary buildings.

27. Every schoolhouse or teacher's residence connected with or pertaining to any new national school shall be and is hereby vested in the school committee (who are hereby constituted a corporation for the purpose) of the parish or burgh within which the same is situated; provided that the school committee may validly convey and dispose of all school buildings vested or which may become vested in them, and which may, with the sanction of the board, be found by the school committee to be unnecessary for the purposes of this Act, and the price, if any, of such buildings, shall be used

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for such educational purposes within the parish or burgh as the school committee, with the consent of the board, may determine.

Certain orders of board may be cancelled or altered by Secretary of State.

28. It shall be lawful for the trustees, managers, or proprietors of any school, or any school committee, in the event of their being dissatisfied with any order or decision of the board within two months from the date of such order or decision, to present a petition to the Secretary of State setting forth the terms thereof, and the reasons for which they desire the same to be cancelled or altered, as the case may be, and the Secretary of State shall, after such inquiry, if any, as he may see fit, approve, alter, or cancel such order or decision, and every such order or decision so approved or altered shall be carried into effect according to the provisions of this Act.

Schools may be held in premises let on lease.

29. And whereas in some cases, and especially in towns and in the neighbourhood of public works, the buildings and premises occupied by schools are held on lease or are erected on property held on lease, and in many cases it may be convenient and beneficial that schools should be accommodated in buildings and premises let on lease: It shall be lawful for school committees, with the sanction of the board, to allow schools under their management to be accommodated in premises let on lease under such regulations as may be prescribed by the board.

Election and constitution of school committees.

Election of school committee in landward parishes.

30. In every landward parish the members of the school committee shall be elected one third by the heritors, and two thirds by the ratepayers, not being heritors, of the parish, and in every case in which it shall have been duly resolved to establish a new national school in a landward parish (in which there is no existing school committee), the board shall forthwith intimate such resolution to the chairman of the parochial board of such parish, and shall issue an order fixing the number of members of the school committee of such parish, which shall be three, six, or nine, and also fixing the day or days on which the heritors and the ratepayers respectively shall hold meetings for the first election of such committee, and the period of the year at which each successive annual election shall be held, and the manner in which meetings shall be called, and the business of the meeting conducted, and the votes of the ratepayers taken; and such order may be altered from time to time by the board, and notice of such order and of every alteration thereon shall be given to the ratepayers, and to all whom it may concern, in such manner

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as the board shall direct; and at such meetings of heritors it shall be competent for any absent heritor to vote by proxy under a deed of commission duly recorded in the sheriff court books of the county in which such parish is situated, or by a letter under his hand which shall specify the meeting at which it is to be used, and shall only be used at that meeting, or any adjournment thereof, and one third of the said committee shall retire annually by rotation in manner following, viz., after the first year the members elected by the heritors shall retire; after the second year one half of the members elected by the ratepayers, not being heritors, shall retire; after the third year the other half of the members elected by the ratepayers, not being heritors, shall retire; and so on one-third of the committee each successive year by rotation, the persons retiring being eligible for re-election.

Election of school committee in burghs.

31. In every burgh in which it shall have been duly resolved by the board to establish a new national school (and in which there is no existing school committee) the board shall forthwith intimate such resolution to the chief magistrate or administrator of the affairs of such burgh, and shall issue an order fixing the number of the members of the school committee of such burgh, which, unless the population shall exceed thirty thousand, shall be six or nine; and, in larger burghs, such additional number as the town council, with the sanction of the board, may think most advantageous; and the town council of each burgh shall meet on the second Tuesday of November following such intimation, and shall elect such number of persons to be members of the said school committee as they are authorized to elect, of whom not more than one third shall at any time be members of the town council; and one third of the number of members of such committee shall retire annually by rotation, subject to the same conditions and regulations by which one third of the members of the town council retire by rotation, and also subject to the same conditions respecting re-election; and, on the second Tuesday of November of every subsequent year, the town council shall elect one third of the members of the said committee in room of the third who have retired by rotation; and the town council shall intimate to every person who shall have been elected the fact of his election as a member of such school committee, and shall also transmit to the secretary of the board the name, designation, and place of abode of every such member.

Ratepayers or town council refusing to elect school committee.

32. In case the heritors and ratepayers in any parish, or the town council of any burgh, shall respectively neglect or refuse to elect or nominate the members of the school committee, which

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they shall respectively be directed by the board to elect or nominate, it shall be the duty of the board to nominate a school committee in such manner as they may think fit, and such school committee shall exercise the same powers, and continue in office so long, and be subject to the same rules and regulations, as if it had been elected or nominated by the ratepayers or town council respectively.

Meetings of school committees.

33. Every school committee shall hold their first meeting at such place and on such day as the board shall fix, and of the day and place of such meeting due notice shall be given in such manner as the board shall direct; and every such meeting may be adjourned; and a majority of the members for the time being of every such committee shall be a quorum; and in case of a vacancy in any such committee by death, resignation, or otherwise, the vacancy so caused shall be filled up by election or nomination, which shall be on a day to be fixed by the board, and conducted in like manner as herein-before is mentioned; and such election or nomination shall be made by the same class of persons as may have elected or nominated the person who has caused the vacancy, and the person elected to fill any vacancy shall hold office so long as the person into whose place he is elected might have held it; provided that it shall not be held to invalidate the acts of any school committee that no election or nomination has been made of the respective number of persons authorized to be elected or nominated.

Clerk of every school committee to inform board of names, &c. of members.

34. On or within two clear days after the day of the first meeting of each school committee the clerk thereof shall transmit to the secretary of the board a statement of the name, designation, and place of abode of each member of the school committee whereof he is clerk, and shall from time to time transmit a statement as to every vacancy, and the name, designation, and place of abode of every person who may be appointed to supply a vacancy in such school committee.

Office bearers.

Chairman, school treasurer, and clerk of national school.

35. The managers, trustees, and proprietors of every adopted national school, and every school committee under this Act, shall appoint from amongst themselves a chairman, and shall also appoint a treasurer, and a clerk of the schools subject to their management respectively; and such treasurer and clerk may likewise be appointed by the aforesaids from amongst themselves if the board shall consent thereto, and, with the like consent, the same person may be appointed to be both treasurer and clerk; and

the person so appointed chairman, whom failing, such person, being one of their number, as the members present at any meeting shall appoint, shall preside at every meeting of such school managers, and shall have both a deliberative and a casting vote; provided that every member present at any meeting shall have one vote, and any act done or resolution adopted by a majority of the votes represented at any meeting summoned by the said clerk shall be valid, except so far as may be inconsistent with the provisions of this Act.

Register of national schools and of attendance.

National schools shall be registered.

36. Every school subject to inspection shall be registered at the office of the board, and such register shall contain such particulars as the board may direct.

Register of scholars.

37. The teacher of every school, subject to inspection, shall keep a register of the attendance of scholars according to the form prescribed and furnished by the board.

Inspectors.

H.M. inspectors to enter and examine national schools, and every national school shall be inspected once every year.

38. It shall be the duty of any of Her Majesty's inspectors of schools now acting in Scotland, or who may hereafter be appointed by Her Majesty, or by the Committee of Council, to act in Scotland, and every such inspector is hereby empowered to enter and inspect any national school in Scotland, or any school which receives any grant from the Committee of Council, which he may be from time to time directed by the Committee of Council to enter and inspect; and such inspector shall, if required so to do by the Committee of Council, examine the scholars thereof, and draw up such report and perform such duties as he may be directed to draw up and perform, and every such report shall be transmitted to the President of the Council, and a copy of every such report shall be presented to the board within one calendar month after it shall have been acted upon by the Committee of Council; and every such school in Scotland shall be inspected by such inspector once at least every twelve months, or as often as the Committee of Council shall by the code herein-after mentioned direct; provided that no inspector shall examine any person in any such school in religious knowledge, unless he shall have been requested to do so by a majority of the managing body of such school.

Certificates and examinations for the office of teacher.

Teachers in national schools to hold certifi-

39. No person shall after the passing of this Act be appointed to the office of teacher in any national school who is not the holder of

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Certificates of competency, and to be entered in register kept by the board.

a certificate of competency; and every person who at the time of the passing of this Act is the teacher of a parochial school, but only so long as (unless qualified as herein-after mentioned) he shall remain the teacher of the same school, or who at the said time holds a teacher's certificate from the Committee of Council, or who shall hereafter obtain a certificate from the said committee, or from the board or from the examiners herein-after mentioned, shall be considered the holder of a certificate of competency under this Act, and the board shall keep a register, to be called the register of competent teachers, in which shall be entered the name of every holder of such certificate of competency, and the date of such certificate, and the name or description of the body by whom the same was granted, and the class or degree of competency to which such certificate applies; and the person or persons whose right it is to appoint the teacher of any national school shall before making such appointment require the candidate to produce evidence that he is the holder of such certificate of competency as in the opinion of the board qualifies him to be appointed as teacher of such school: Provided that after the aforesaid register shall have been established by the board, of which establishment the board shall give such notice as shall seem to them sufficient, the only evidence that any person is the holder of a certificate of competency under this Act shall be an extract from the said register certified in such manner as the board shall appoint, and such extracts shall be granted in such form and manner as the board shall appoint: Provided also, that it shall not be necessary for the teachers of special subjects who may be appointed under this Act to take a certificate of competency as above provided; but before any such teachers of special subjects are employed such evidence of their fitness for the office shall be laid before the board as the board may see fit to require.

Board to make regulations as to examinations.

40. The sixteenth section of the recited Act of the forty-third year of George the Third, chapter fifty-four, and the ninth section of the recited Act of the twenty-fourth and twenty-fifth years of Her present Majesty, chapter one hundred and seven, shall be and are hereby repealed; and instead thereof be it enacted as follows: It shall be the duty of the board to make, on or before the first day of January one thousand eight hundred and seventy, and thereafter from time to time, such regulations as they may see fit in regard to the time and manner and the standards of the examinations to be passed by such persons as desire to obtain a certificate of competency, and as to the subjects to which the several standards shall extend, and to regulate the notice to

be given thereof; and such examinations shall be conducted by examiners appointed in the manner herein-after provided; and the said regulations shall be published by advertisement in such manner as the board shall direct; and such examinations shall be held at such places or at such times and under such provisions to secure uniformity as shall be fixed by the board, but no person shall be examined until he has satisfied the board that he has satisfactorily completed a course of training as a teacher either at a normal school approved of by the Committee of Council, or in such other manner as the board shall appoint.

Appointment of examiners by the university court and Committee of Council.

41. It shall be the duty of the university court of each university in Scotland, as soon as conveniently may be, and in no case later than three months after the passing of this Act, and thereafter from time to time, to appoint three persons to be examiners of such as desire to obtain a certificate of competency, two of such persons being professors in the faculty of arts of the university, and, in addition to the persons appointed as aforesaid by the universities, the Educational Institute of Scotland shall from time to time appoint one examiner, and the Committee of Council shall from time to time nominate and appoint one or more than one examiner to be present and act at every examination.

Examiners to hold the office for two years, but may be re-appointed.

42. The persons so appointed shall continue to be examiners during two years from and after the date of their respective appointments, and until other persons shall have been in like manner appointed in their room; provided that it shall be lawful to the university court and the Educational Institute of Scotland to re-appoint all or any of the same persons to be such examiners, and to fill up from time to time any vacancy which may occur by the death, resignation, or disqualification of any of the examiners; and the examiners may appoint one of their number to act as secretary.

Persons who intend to submit themselves to university examiners must send in their names to the secretary of the board.

43. Every person who intends to submit himself to the university examiners shall transmit his name, designation, and place of abode to the secretary of the board, with the evidence that he has gone through the course of training prescribed by the board, and stating the university at which such person desires to be examined, and the board shall thereupon appoint the time at which such person shall be examined; and the secretary of the board shall communicate to the examiners of such university the name of the candidate, and state the time at which such candidate shall be examined, and give notice thereof to the candidate; and the examiners of such university shall examine such person as to his fitness and qualification for the duties of the office of teacher, according to the regulations issued by the board, and shall satisfy themselves of his

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skill in the theory and practice of teaching, and being found qualified, the said examiners shall furnish to him a certificate to that effect, subscribed by them or by a majority of their number, which certificate shall specify the class or degree of competency to which it applies, and shall be conclusive evidence that he has passed the required examination, and has been found qualified for the said office in the class or degree therein specified; and upon such certificate being presented to the secretary of the board he shall enter upon the register of competent teachers the name of the person to whom such certificate was granted, and the other particulars herein-before required to be entered on the register: Provided that the board shall have power to place on such register without examination, except as to skill in the theory and practice of teaching, any person not above thirty-five years of age, who is a graduate in arts or in science of any university in the United Kingdom, or who has any special university degree as a teacher, should such special degree now or hereafter be instituted by any university of the United Kingdom, and the register of male teachers shall be kept distinct from that of the female teachers.

Clause B. Treasury to pay 600*l.* to each examiner for each person examined.

44. It shall be lawful to the Commissioners of Her Majesty's Treasury to pay to the board, out of any monies which may be voted by Parliament for that purpose, not exceeding a sum of six hundred pounds per annum, for and in respect of such examination under the provisions of this Act, and the board shall make regulations according to which such sum shall be applied in remunerating the said examiners.

Board may place teachers in adopted schools on register of competent teachers without examination.

45. It shall be lawful for the board, if they shall see fit, to place on the register of competent teachers any person who, at the time when any school shall be adopted as a national school under the provisions of this Act, shall be a teacher in such school so adopted, without requiring such person to pass an examination before the university examiners herein-before mentioned: Provided always, that the board shall, before placing any such person on the said register, be satisfied that he is a fit and proper person to be a teacher of a national school, and may require him to produce such evidence of his fitness for the office of teacher as they may think necessary.

Jurisdiction of the board in respect to teachers.

21st sect. of 43 Geo. 3. c. 54., and 14th and 19th sects. of the

46. The twenty-first section of the recited Act of the forty-third year of His Majesty George the Third, chapter fifty-four, and the fourteenth and nineteenth sections of the Parochial and

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Burgh Schoolmasters (Scotland) Act, 1861, are hereby repealed; and instead thereof be it enacted, that in case it shall appear to the board, upon such inquiry as to the board may appear expedient, that the teacher of any national school appointed before the passing of this Act, from negligence or inattention, has failed efficiently to discharge such duties, or has been guilty of immoral conduct, or of cruel or improper treatment of the scholars under his charge, the board may, after giving such teacher a full opportunity of being heard, permit such teacher to resign the said office, or may issue an order admonishing, censuring, or suspending him for a period from such office, or removing him from the same.

Parochial and Burgh Schoolmasters (Scotland) Act, 1861, repealed.

If the board, upon inquiry, consider the teacher of an old national school incompetent, or morally unfit, they may permit him to resign, or may issue an order suspending or removing him from office.

47. If on such inquiry as aforesaid it shall appear to the board that any teacher has become disqualified by reason of old age or any bodily or mental infirmity for the due performance of the duties of his office the board may permit such teacher to resign, or may remove him from the same.

Clause N. In case of old age, &c. of teachers.

48. Any teacher appointed to a national school after the passing of this Act shall be liable to be dismissed or suspended for a period from the office of such teacher by order of the board, after such inquiry as to the board may seem expedient, and such order shall be pronounced after giving such teacher a full opportunity of being heard, and after such inquiry as the board may think fit.

Tenure of the office of teacher hereafter appointed.

49. It shall be lawful for the board to issue an order suspending or withdrawing the certificate of competency of any teacher, in case it shall be made to appear to their satisfaction, after such inquiry by the board as they may think fit, that the holder of such certificate has not, during five consecutive years immediately preceding such withdrawal, been in charge of a national school or has been guilty of any immoral conduct, or of cruel and improper treatment of the scholars under his charge, or that he is disqualified, because of infirmity or old age, for the due performance of the duties of his office, or that from negligence or inattention, or incapacity of mind or body, he has failed efficiently to discharge such duties; and every such teacher whose certificate shall have been suspended or withdrawn by the board shall forthwith cease to be a certificated teacher, and his name shall be struck off the register of competent teachers, and he shall be removed from the office of school teacher which he may then hold, and shall vacate the schoolroom and schoolhouse and other tenement which he may hold by virtue of his office, and shall cease to enjoy the emoluments attached to such school, and such person shall not be eligible as a candidate

Power of board to suspend or withdraw the certificate of competency in certain cases.

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for such office during the period of such suspension or withdrawal: Provided that no certificate shall be suspended for a longer period than six months, and shall be renewed upon such terms as to the board may seem expedient: Provided also, that before all cases of withdrawal or suspension of a certificate, the teacher shall have a full opportunity of being heard in his defence.

Salary during suspension of teacher.

50. In every case in which the teacher of any national school shall have been suspended by order of the board, the salary of such teacher in respect of the office shall cease and determine from the date of such suspension until the next term of Whitsunday or Martinmas following the expiration of the term of suspension specified by the board, or until such period as may be specified in the order of the board; and the salary accruing during the said period shall be applied toward providing a substitute for such teacher during the period of such suspension, and shall be administered in such manner as the board shall direct.

Teacher refusing or neglecting to quit school premises to be ejected by warrant from the sheriff.

51. If any teacher, contrary to any order of the board, shall refuse or fail to quit possession of any schoolroom, schoolhouse, or other tenement which he may hold by virtue of his office, it shall be the duty of the sheriff of the county within which such school premises are situate, upon application made to him by the secretary of the board, or by the chairman of the heritors, managers, trustees, or proprietors, or school committee of any national school, and upon production, along with such application, of a copy of the order of the board therein referred to, purporting to be signed by the secretary of the board, forthwith to grant warrant for ejecting such teacher from such school premises on not less than ten or more than twenty-one days charge, which warrant shall be enforced in common form, and shall not be liable to be stayed by suspension, reduction, or any other form of process.

School committee may make representation or complaint to the board.

52. Every school committee, or in an adopted school the managers, trustees, or proprietors, may at any time make a representation or complaint to the board with respect to the operation of the general rules and regulations of the board in the case of the school under their management, or with respect to any matter relating to such school in regard to which the board have power, authority, or jurisdiction; and the board shall, without delay, cause such inquiry to be made or evidence to be taken as they may think necessary, and shall thereafter issue an order disposing of the matter contained in such representation or complaint.

Order of board to be final.

53. Every order of the board suspending or removing any teacher or suspending or withdrawing his certificate of com-

petency shall be final, without appeal to or review by any court; and in every such order the board shall specify the period at which the person so suspended or removed as aforesaid, or whose certificate has been suspended or withdrawn, shall quit possession of the schoolroom, schoolhouse, or other tenement which he or she may hold by virtue of his or her office, and, if they think fit, the person or persons to whom possession thereof is to be delivered, and in case of any order of suspension the board shall specify therein the period (if any) at which the person so suspended as aforesaid may resume possession of the school premises.

Retiring Allowances.

Retiring allowances.

54. When any teacher shall have been permitted to resign, or have been removed by order of the board, or by withdrawal of his certificate by the board, under the provisions of this Act, and the board shall be of opinion that such removal or withdrawal of certificate was not occasioned by any fault on the part of such teacher, the school committee in the case of any new national school, if such teacher has served for more than ten years, shall, and in any other case may grant a retiring allowance, the amount whereof shall not be less than one half of the salary pertaining to the said office at the date of such withdrawal, and shall not exceed the gross amount of such salary, and the school committee shall have power to assess for such retiring allowance in like manner as they may assess for the schoolmaster's salary or for the "school assessment" herein-after mentioned: Provided also, such pension shall not be less than fifteen pounds, and every such retiring allowance shall be payable in like manner as the salary of the teacher.

Public local aid to new national schools. "School assessment."

Clause E. School committees to impose assessment upon lands and heritages to maintain new national schools.

55. The school committee of any landward parish or burgh in which a school committee has been appointed shall, once each year, impose an assessment, to be called "the school assessment," upon all lands and heritages within the limits of such parish or burgh respectively, according to the yearly value thereof, as established by the valuation roll in force for the year of the assessment, and that at such a rate in every year as such school committee shall deem necessary, for the purpose of defraying the expense of providing, erecting, enlarging, and keeping in repair the buildings and teachers residences of or pertaining to the new national school or schools within such parish or burgh, or for which

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such school committee may be bound to provide, and of paying the salaries and retired allowances of teachers in such new national schools as last aforesaid, including such sum as may be requisite to cover the estimated expense of assessment, collection, and management, and any arrears of preceding years, and of otherwise maintaining or contributing to maintain the new national schools towards the maintenance of which any such school committee may be bound to contribute: Provided always, that no grant out of any school assessment shall be made by any school committee to any school unless such school shall be a new national school, or a combined national school, within the meaning of this Act: Provided also, that such assessment shall in no case exceed in any year threepence in the pound on the said yearly value of lands and heritages within the limits of any parish or burgh.

Recovery of assessments.

Clause F. Assessments to be payable from Whitsunday to Whitsunday, and to be paid half by the proprietor and half by the occupier.

56. The several assessments to be laid on in each year under the provisions of this Act shall be payable respectively as for the period from Whitsunday in the year in which the same are imposed to Whitsunday in the year immediately following, and may be levied either on the proprietor or occupier of such lands and heritages; but the proprietor, in the event of his paying such assessment, shall be entitled to claim from the occupier one half the amount thereof; and the occupier, in the event of his paying such assessment, shall be entitled to deduct one half the amount from the rent payable by him; provided that if there shall be any deficiency in the funds available during any year for current expenses, the same may be made good in imposing any subsequent assessment, and if there be any surplus of funds for current expenses at the term of Whitsunday, the same may be applied to the current expenses of the ensuing year; provided also, that nothing in this Act contained shall affect the relative rights and liabilities of proprietors and occupants inter se under any agreement between them already made or that may hereafter be made; provided always, that in no case shall the whole assessment imposed in any one year under the provisions of this Act exceed the amount of threepence in the pound.

Clause G. Premises under 4*l.* in burghs or counties unoccupied.

57. In the case of lands and heritages let at a rent under four pounds per annum, or for a less period than half a year, deduction shall be allowed of the assessment for each period of six months from Whitsunday to Martinmas, or from Martinmas to Whitsunday, during which any such premises shall be unoccupied or not furnished.

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Clause H. Exception on ground of poverty.

58. The school committee of any parish or burgh may, on the ground of the poverty of any person liable in assessment under this Act in respect of any lands and heritages in value not exceeding four pounds per annum, remit, in whole or in part, payment of the said assessment by such person, in such manner as they shall, in their discretion, think just and reasonable, but upon no other account whatsoever.

Clause I. Power to recover assessments.

59. The whole powers and rights of issuing summary warrants for recovery of the land and assessed taxes shall be applicable to the assessments of this Act authorized to be imposed and levied, and sheriffs, magistrates, justices of the peace, and other judges shall grant warrant for the recovery of such assessments, in the like form and under the like penalties as is provided in regard to such land and assessed taxes and other public taxes; and all assessments imposed in virtue of this Act shall, in the case of bankruptcy or insolvency, be paid out of the first proceeds of the estate, and shall be preferred to all other debts of a private nature due by the parties assessed.

Clause K. Disputes as to assessment to be settled by sheriff.

60. Any dispute which may arise between the school committees or any person or persons acting under them respectively on the one part, and any person holding himself aggrieved on the other, relating to any assessment under this Act which it may not be competent or convenient to try and determine in the sheriff small debt court, shall be determined in a summary manner by the sheriff of the county in which such dispute shall arise, or of the county in which the school is situate in respect of which such assessment is leviable; and such sheriff shall, on a written petition being presented to him by any of the said parties, appoint them to appear before him, and shall then investigate the matter in dispute in such way as he may think proper, and decide the same summarily; and such decision shall be final, and shall not be subject to appeal or review in any court or by any process whatsoever.

Parliamentary grant.

Clause L. One third the sum required to enlarge, rebuild, or erect any national school shall be paid by the Committee of Council out of parliamentar grant.

61. It shall be lawful for the Committee of Council, out of the sums to be annually voted by Parliament for education, to pay to the treasurer or managers of any school, subject to be inspected by the said committee, in any insular or highland parish of any of the counties of Ross, Inverness, or Argyll, or in the islands of Orkney or Shetland, or in any other place for that purpose described in the code to be issued as herein-after mentioned, one half of the sum which may be required to establish or erect, enlarge or rebuild,

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such school or teacher's residence: Provided always, that such payments shall be made under such conditions and subject to such general rules and regulations as may from time to time be laid down by the Committee of Council.

Grant for maintenance.

62. Grants shall be made by the Committee of Council to the treasurer or managers of any school which at the passing of this Act, or at any time thereafter, may be adopted by the Board or subject to be inspected by the said committee, according to the rates and under the conditions prescribed by the code to be issued in the manner specified in the schedule hereto appended and marked A.; subject nevertheless to the provisions contained in such schedule: Provided always, that it shall not be lawful to the said Committee of Council to make such grants as aforesaid to any school, not being a national school, erected or established more than two years after the passing of this Act, unless the board shall after such inquiry as they may think fit, whereof notice shall be given by public advertisement or otherwise, certify in a special report to the said committee that such school will be suitable to and is specially needed for the population in the locality in which such school is situate, and shall state the grounds on which such certificate is founded, and particularly the number of the children for whom such school is specially required.

Mode of enforcing this Act.

Mode of enforcing the provisions of this Act.

63. In case the town council of any burgh, the heritors of any parish, or the managers, trustees, or proprietors, or the teacher of any national school, or any of the members of the school committee of any parish or burgh, shall refuse or neglect to do what is herein required of them, or in case any obstruction shall arise in the execution of this Act, it shall be lawful for the board to apply, by summary petition, to the Court of Session, or, during the vacation of the said court, to the Lord Ordinary on the bills, which court and Lord Ordinary are hereby authorized and directed in such case to do therein as to such court or Lord Ordinary shall seem just and necessary.

CLAUSE Q. Salary of old national school master.

64. From and after the passing of this Act, the salary of every schoolmaster of any old national school shall not be less than the sum of thirty-five pounds nor more than the sum of one hundred pounds per annum, and so much of the second section of the Act twenty-four and twenty-five Victoria, chapter one hundred and seven, as is inconsistent with this provision is hereby repealed.

A.D. 1869.

Clause R.

Teachers for special subjects.

65. It shall be lawful for the heritors of any parish or burgh to agree with the heritors of any other parish or burgh for the employment of a teacher or teachers of special subjects; and it shall be lawful for each parish or burgh to contribute for the payment of the teacher or teachers of such special subject.

Conscience Clause.

Conscience clause.

66. Every national school, or school which receives any grant from the Committee of Council, shall be open to children of all denominations, and any scholar in such school may be withdrawn from any religious teaching or service to which his or her parents or guardians may object; and if the heritors or minister, or the trustees, managers, or proprietors, or the school committee having the management of any such school, or any teacher thereof, shall, in the opinion of the board, neglect or refuse to permit such withdrawal, such school shall in no case share in the grant voted by Parliament for education, and (if a new national school) shall not be entitled to any share in the school assessment herein-before mentioned.

Short title.

67. This Act may be cited for all purposes as The Education (Scotland) Act, 1869.

A.D. 1869.

SCHEDULE A.

The Committee of Council, within twelve months after the passing of this Act, and after receiving a report from the board as to the modifications of the revised code suitable to Scotland, shall issue a code of minutes and regulations according to which the sum of money voted by Parliament for public education shall be distributed in Scotland; and the Committee in the course of each year, as occasion requires, may cancel or modify any articles of the said code, or may establish new articles, except as herein-after mentioned, but the said code, or any alterations which shall be made thereon, shall not have any effect or operation until the same shall have been submitted to Parliament, and laid on the table of both Houses for at least one calendar month; and such code of minutes and regulations in force for the time being shall contain no directions or impose no conditions at variance with the regulations following; (that is to say,)

Rule First.—The object of Parliament in voting such sum is to defray part of the cost of educating the scholars in schools in Scotland; and of training teachers for inspected schools, in normal schools, or elsewhere; and in framing a code of minutes and regulations for the distribution of such sum, due care shall be taken by the said Committee that the standard of education which now exists in the parochial schools shall not be lowered, and that, as far as possible, as high a standard shall be maintained in all schools in Scotland inspected by the said committee.

Rule Second.—No grant shall be made by the said Committee to any school in Scotland, unless and until the said Committee shall have received a report from one of Her Majesty's inspectors or inspectors assistants, or such report as to the said Committee shall be satisfactory, that such school has during the previous year been taught by a teacher holding such certificate of competency as herein-before mentioned, and that such school satisfies the conditions and has complied with the regulations in the said code contained and in force for the time being.

Rule Third.—The amount of such annual grant for the maintenance of any school shall not, except as herein-after mentioned, exceed the amount of local contributions as herein-after defined and shown by the account of the treasurer or managers of the said school to have been appropriated during the previous year to its maintenance; and the said account shall be kept in such form and audited in such manner as the said Committee may from time to time direct.

Rule Fourth.—For the purposes of this Act the following sources of annual income shall be taken to be local contributions; (that is to say,)—first, all sums derived from the legal assessment of the heritors of any parish beyond the minimum sum fixed by the Parochial and Burgh Schoolmasters (Scotland) Act (1861); second, all sums derived from voluntary subscribers; third, all sums derived from the trustees of any bequest or endowment, subject nevertheless to such rules and regulations as may be laid down in respect thereto by the said code; fourth, all sums derived from school fees; fifth, all sums derived from the school assessment herein-before mentioned.

A.D. 1869.

Rule Fifth.—In any insular parish in the county of Ross, Inverness, or Argyll, or in Orkney and Shetland, or in any landward parish, where respectively a school assessment of 3*d.* in the pound shall have been levied, and shall yield, either less than £30 per annum for every national school within the said parish, or less than 18*s.* per head on one sixth part of the population of any such parish according to the latest census, it shall be lawful for the Committee of Council to grant to the treasurer or managers of any school inspected as aforesaid, and situated within any such parish at the end of each year, in addition to any sum to be granted according to the number of scholars in average attendance,—

(*a.*) Any sum not exceeding twice the rate of grant (for the time being in force) for every scholar who is admitted to and passes an examination according to the provisions of the said code, or who, being under the age for such examination, fulfils the conditions to be prescribed by the said code.

Provided always, that the total sum in any year granted by the said Committee for the maintenance of any such school situate in any such parish as in this fifth rule specified shall not exceed the sum of 16*s.* per scholar, according to the average number in attendance at such school throughout the previous year.

Parochial Schools (Scotland). [H.L.]

A

B I L L

[AS AMENDED IN COMMITTEE AND ON CONSIDERATION OF BILL AS AMENDED]

INTITULED

An Act to extend and improve the Parochial Schools of Scotland, and to make further provision for the Education of the People of Scotland.

(*Brought from the Lords* 14 *June* 1869.)

Ordered, by The House of Commons, *to be Printed*, 7 *August* 1869.

[Bill 265.]

Under 4 *oz.*

A

B I L L

TO

Repeal an Act, intituled "An Act to restrain Party Processions "in Ireland." A.D. 1869.

WHEREAS it is expedient to repeal the Act passed in the thirteenth Victoria, chapter two, intituled "An Act to "restrain Party Processions in Ireland:" 13 Vict. c. 2.

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. From and after the *passing of this Act* the aforesaid Act of the thirteenth Victoria, chapter two, intituled "An Act to restrain "Party Processions in Ireland," shall be and the same is hereby repealed. Repeal of 13 Vict. c. 2.

Party Processions (Ireland).

A

BILL

To repeal an Act, intituled "An Act "to restrain Party Processions in "Ireland."

(Prepared and brought in by Mr. William Johnston and The O'Donoghue.

Ordered, by The House of Commons, *to be Printed,* 18 *February* 1869.

[Bill 6.]

Under 1 *oz.*

A

B I L L

TO

Provide for the Commutation of Pensions payable to officers and other persons out of the sums voted by Parliament to defray the charges of the army and navy services. A.D. 1869.

WHEREAS it is expedient to make provision for the commutation of pensions payable to officers and certain other persons out of the sums voted by Parliament to defray the charges of the army and navy services:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited for all purposes as "The Pensions Commutation Act, 1869."

2. In this Act—

Definition of "Treasury."

The term "the Treasury" shall mean the Commissioners of Her Majesty's Treasury for the time being, or any two or more of them:

"Pension."

The term "pension" shall include any half-pay, compensation allowance, superannuation or retirement allowance, or other payment of the like nature.

Application of Act.

3. This Act shall apply only to officers and persons entitled to pensions out of the sums voted by Parliament to defray the charges of the navy and army services, not including non-commissioned officers and soldiers of Her Majesty's army and petty officers and seamen of Her Majesty's navy.

The Treasury may commute pensions.

4. It shall be lawful for the Treasury, in accordance with such regulations as they may from time to time make, on the application of any person to whom this Act applies, to commute his pension by the payment of a capital sum of money, calculated according to the estimated duration of the life of the pensionholder, subject to the following provisions:

(1.) In calculating the amount payable in respect of the commutation of any pension, the following rules shall be observed:

A.D. 1869.

(*a.*) The age of the pension-holder shall be reckoned at the age he will attain on the birthday next succeeding his application for commutation:

(*b.*) In the case of impaired lives, years shall be added to the age of the pension-holder for the purpose of calculating the amount of commutation payable to him; and in like manner a deduction from age shall be made as an equivalent for the right to prospective increase of the pension to be commuted:

(*c.*) In calculating the amount payable in respect of any pension, interest shall be reckoned at a rate of not less than five pounds per centum per annum.

(2.) Save as is in this section expressly provided, nothing in this Act contained shall be held to deprive the wife or children of any person whose pension may be commuted of any reversionary right to pension or compassionate allowance to which she or they may be entitled.

(3.) Where any officer whose pension has been commuted under this Act subsequently marries, his widow shall not be entitled to any pension, and no child of any officer whose pension has been commuted born after the date of such commutation shall be entitled to compassionate allowance.

(4.) No application for the commutation of a pension shall be received unless it be accompanied, in the case of an officer or person entitled to a pension out of the sums voted by Parliament to defray the charges of the army service, by a recommendation from the War Office, and, in the case of an officer or person entitled to a pension out of the sums voted by Parliament to defray the charges of the navy service, by a recommendation from the Admiralty.

Commutation board.

5. There shall be constituted for the purpose of advising on the cases of applicants for commutation of pensions under this Act a board, in this Act called "the commutation board."

The commutation board shall consist of the Comptroller-General for the time being of the National Debt Office, and of four other persons who shall from time to time be appointed by the Treasury.

The Treasury may from time to time appoint, and remove, an actuary, medical referees, and such other officers or servants as they may consider necessary, and may pay them such remuneration as they may think fit.

The commutation board shall inquire into and report to the Treasury upon the cases of applicants for commutation under this Act in such manner as the Treasury directs.

Payment of commutation monies.

6. The Commissioners for the Reduction of the National Debt, with the consent of the Treasury, may pay the amounts awarded as commutations of pensions out of any funds for the time being in their hands under the authority of the Act of the twenty-fourth year of the reign of Her present Majesty, chapter twenty-four, and the Act of the session of the twenty-sixth and twenty-seventh years of the same reign, chapter eighty-seven, or either of such Acts.

Treasury to make regulations.

7. Subject to the provisions of this Act, the Treasury may from time to time make, alter, or revoke regulations as to the following matters:

(1.) The rules according to which applications for commutation are to be made or, on payment of a prescribed fee, to be withdrawn:

(2.) The tables according to which the duration of life of applicants for commutation is to be calculated for the purposes of this Act:

(3.) The terms upon which pensions are to be commuted, and the cases in which commutation is to be refused.

Monies paid for commutation of pensions to be repaid by annuities.

8. An account shall be made up annually of the amount paid by the Commissioners for the Reduction of the National Debt for the commutation of pensions in the navy service and in the army service of Her Majesty, and a terminable annuity shall be annually paid, out of the votes of Parliament upon which the respective pensions were chargeable previous to commutation, to the Commissioners for the Reduction of the National Debt of an amount sufficient to repay to the said Commissioners, at the expiration of years the amount advanced by them, together with interest thereon at a rate of not less than three and a half per centum per annum, and the amount of the annuity payable in respect of the commutation of pensions in the navy and army service shall be notified by a certificate under the hand of the actuary of the National Debt Office, in the case of the navy service to the Admiralty, and in the case of army service to the War Office.

Penalty on persons making false declarations.

9. If any applicant for commutation under this Act wilfully make any false declaration in relation to any matter or thing required by any regulation made in pursuance of this Act he shall be deemed to be guilty of a misdemeanor, and shall be liable on conviction to forfeit all claim to his pension or the value thereof, and to be imprisoned for any term not exceeding two years, with or without hard labour.

Deduction from salary to be made where pension-holder takes office.

10. If any pension-holder whose pension has been commuted in pursuance of this Act accepts any public employment, a deduction shall be made from the salary payable to him in respect of such employment equal to the amount which would have been abated from the pension if it had not been commuted.

Consolidated Fund to repay advances to Commissioners if necessary.

11. If at any time it appear desirable to the Treasury and to the Commissioners for the Reduction of the National Debt, having regard to the funds out of which the said Commissioners are authorized by this Act to pay the amounts awarded as commutations of pensions, that an issue in money should be made out of the Consolidated Fund in repayment of advances made from such funds the Treasury may, upon a certificate to that effect under the hands of the Comptroller-General, or Assistant Comptroller, acting under the Commissioners for the Reduction of the National Debt, issue to the said Commissioners out of the Consolidated Fund, or the growing produce thereof, such sum as may be named in such certificate.

Commutation annuities to be applied to repay issues from the Consolidated Fund.

12. When an issue has been made as aforesaid out of the Consolidated Fund in repayment of advances made by the Commissioners for the Reduction of the National Debt under this Act, the actuary of the National Debt Office shall certify to the said Commissioners the annual amount which should be applied for a term of years to be fixed by the Commissioners with the assent of the Treasury as the equivalent value of the amount so repaid to the said Commissioners, and the said Commissioners shall annually apply the amount so certified, for the fixed term of years, out of the monies to be paid to them from year to year in respect of commutations of pensions under this Act, to the purchase and cancelling of perpetual or other annuities, exchequer bills, bonds, bank advances, or other descriptions of debt, chargeable upon the Consolidated Fund, and the said actuary shall take the rate of interest at which the annual payments are to be made to the said Commissioners under this Act as the basis upon which the amount of the annual payments so to be applied are to be valued.

Pensions Commutation.

A

B I L L

To provide for the Commutation of Pensions payable to officers and other persons out of the sums voted by Parliament to defray the charges of the army and navy services.

(*Prepared and brought in by Mr. Dodson, Mr. Chancellor of the Exchequer, and Mr. Stansfeld.*)

Ordered, by The House of Commons, *to be Printed,* 29 *June* 1869.

[Bill 187.]

Under 1 *oz.*

A

B I L L

TO

Enable owners and occupiers of property in certain districts to prevent the common sale of intoxicating liquors within such districts.

WHEREAS the common sale of intoxicating liquors is a fruitful source of crime, immorality, pauperism, disease, insanity, and premature death, whereby not only the individuals who give way to drinking habits are plunged into misery, but grievous wrong is done to the persons and property of Her Majesty's subjects at large, and the public rates and taxes are greatly augmented: A D. 1869.

And whereas it is right and expedient to confer upon the ratepayers of cities, boroughs, parishes, and townships the power to prohibit such common sale as aforesaid:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Adoption of this Act.

1. At any time from and after the *passing of this Act* it shall be lawful for or more ratepayers residing in any municipal borough or parish, by notice in writing under their hands, to require the mayor of such municipal borough or the overseers of the poor of such parish to take the votes of the ratepayers of such municipal borough or parish respectively as to the propriety of bringing into operation therein the provisions of this Act; and the mayor or overseers as aforesaid, within days of receiving such requisition, shall cause a public notice to be affixed on or near to the town hall of such borough, and on or near to the outer and principal door of every church or chapel within such borough or parish, and shall also cause notice to be inserted in some newspaper published in such borough or parish, or, if there be none so published, in some newspaper published in the county in which such borough or parish is situate, specifying on what day, not earlier than days after the publication

On requisition of ratepayers, notice of time of voting to be given.

A.D. 1869.

of the said notices, the raterayers of such borough or parish are required to signify their votes for or against the adoption of this Act.

Qualification of voters.

2. Every person who is rated to the relief of the poor or entitled to vote in the election of guardians of the poor for the borough or parish in which the votes are to be taken shall be entitled to one vote for or against the adoption of this Act.

Mode of voting.

3. The mayor of such borough or the overseers of such parish shall cause voting papers, in the form contained in the schedule (A.) to this Act annexed, to be prepared, and shall, three days before the day appointed for voting as aforesaid, cause one of such papers to be delivered at the residence of each person entitled to vote as aforesaid; and each voter shall upon the voting paper so delivered signify by writing the word yes or no upon the said paper, and by signing his name thereto, whether he votes for or against the adoption of this Act: provided always, that if any voter cannot write he shall affix his mark at the foot of the voting paper in the presence of a witness, who shall fill up the voting paper in the presence of the voter, and shall attest and write the name of the voter upon the same.

Collection of votes.

4. The mayor of such borough or the overseers of such parish shall cause the voting papers to be collected on the day appointed for the voting as aforesaid by persons employed by them for the purpose, as he or they shall direct; but no voting paper shall be received or admitted unless the same have been delivered at the residence of the voter as aforesaid, nor unless the same be collected by the persons so employed for that purpose: provided always, that if any person qualified to vote shall not have received a voting paper as aforesaid, he shall, on application, on or before the day of voting, to the said mayor or overseers, be entitled to receive a voting paper, and to fill up and sign the same in his or their presence, and then and there deliver the same to him or them: Provided also, that in case any voting paper duly delivered shall not have been duly collected through the default of the said persons so employed to collect the same, the voter in person may deliver the same to the said mayor or overseers before twelve at noon on the day following the day of voting.

Examination of votes, and declaration of result.

5. The mayor of such borough or the overseers of such parish shall, after twelve at noon on the day immediately following the day of voting, examine the said votes, and shall declare, as hereafter mentioned, whether a majority of duly qualified votes has been given in favour of the adoption of this Act, and the adoption or

non-adoption of this Act within such borough or parish shall depend on such majority of votes: provided always, that this Act shall not be adopted within such borough or parish unless at least two thirds of the aggregate number of votes so given as aforesaid be in favour thereof.

Two thirds majority required.

6. If any person fabricates, in whole or in part, or alters, defaces, destroys, abstracts, or purloins any voting paper, or personates any person entitled to vote in pursuance of this Act, or falsely assumes to act in the name or on behalf of any person so entitled to vote, or interrupts the distribution of any voting papers, or distributes the same under false pretences of being lawfully authorized so to do, he shall for every such offence be liable, on conviction before two justices, to be imprisoned in the common gaol or house of correction for any period not exceeding three months, with or without hard labour.

Penalties for fabricating voting papers.

7. The mayor of such borough or the overseers of such parish shall, if this Act be adopted as aforesaid, immediately give notice thereof by affixing the same on or near to the town hall in such borough, and to the outer and principal doors of every church and chapel in such borough or parish, and shall immediately give notice thereof to Her Majesty's Principal Secretary of State for the Home Department, and to the Chairman of the Board of Inland Revenue, and deliver to the clerk to the justices acting in and for such borough, or for the district or division in which such borough or parish is situated, a certificate in writing of the adoption of the Act, to be by the said clerk recorded and preserved, which certificate, or a copy thereof, certified by the said clerk of the justices, shall be conclusive evidence in any proceedings under or by virtue of this Act that this Act was duly adopted within the said borough or parish.

Notice of the adoption of Act, and its immediate operation.

8. If the ratepayers of any such borough or parish shall determine in manner aforesaid against the adoption of this Act, it shall not be lawful, within one year after such determination, again to take the votes of the ratepayers of such borough or parish as to the propriety of bringing into operation therein the provisions of the said Act.

After vote against the adoption of the Act, one year to intervene before another vote be taken.

9. If the ratepayers of such borough or parish shall determine in manner aforesaid in favour of the adoption of this Act, it shall be lawful, after the expiration of three years from the commencement of this Act coming into operation, for any ratepayers of such borough or parish again to call upon the mayor of the borough or the overseers of the poor of the parish again to take the votes of the ratepayers of the borough or parish, in like manner as herein-before provided for the adoption of this Act, and

Ratepayers to have power to reconsider the adoption of this Act.

A.D. 1869.

the continuance or otherwise of the operation of this Act within such borough or parish shall be determined by a majority of the votes so given.

Prohibition of common sale.

10. From and after the time limited for the commencement of this Act in any borough or parish, as herein-before provided, no licence whatever shall be granted or renewed for the sale of alcoholic liquor within such borough or parish; and any person selling or disposing of any alcoholic liquor within such borough or parish shall be dealt with as selling without licence, and shall be subject to all the penalties provided for such offence under any Act or Acts of Parliament regulating the sale of alcoholic liquors which may be in force at the time of the adoption of this Act: provided nevertheless, that nothing herein contained shall affect any rights or privilege conferred or enjoyed by virtue of any licence current or in force at the commencement of this Act during its said currency, and that nothing herein contained shall be held to affect any sales made under the provisions of any statute permitting the sale of methylated spirits for use in the arts and manufactures of the United Kingdom.

Interpretation clause.

11. In the construction of this Act the following words and expressions shall have the following meanings assigned to them respectively: "municipal borough" shall mean city, borough, burgh, or any corporate town; "parish" shall mean any parish, township, village, tithing, extra-parochial place, or place maintaining its own poor; "mayor" shall mean also provost, high constable, high bailiff, baron bailie, or other chief officer of any city or borough; "overseers of the poor" shall mean any persons authorized and required to make and collect the rates for the relief of the poor, and acting as overseers of the poor; "alcoholic liquor" shall include all spirituous liquors, wine, ale, beer, cyder, perry, and every description of intoxicating liquors.

SCHEDULE.

FORM (A.)

Voting Paper.

An Act to enable owners and occupiers of property in certain districts to prevent the common sale of intoxicating liquors within these districts.

A requisition signed by ratepayers of this having been presented to me, requesting me to take the votes of those duly qualified according to the terms of the Act, you are hereby required to signify your vote for or against the adoption of this Act, thus:—

	In favour of.	Against.
Do you vote in favour of or against the adoption of this Act in this ?		

John Smith,
of 26, *High Street.*

N.B.—The ratepayer will write "yes" or "no" under the heading "in favour" or "against," according as he votes for or against the adoption of the Act. He is also required to subscribe his name and address at full length. If a voter cannot write, he must make his mark instead of initials, but such mark must be attested by a witness, and such witness must write the initials of the voter against his mark. This paper will be collected on the of between the hours of and .

Take notice.—If any person wilfully commits any of the acts following, that is to say, fabricates, in whole or in part, alters, defaces, destroys, abstracts, or purloins, any voting paper, or personates any person entitled to vote in pursuance of this Act, or falsely assumes to act in the name or on the behalf of any person so entitled to vote, or interrupts the distribution of any voting papers, or distributes the same under a false pretence of being lawfully authorized so to do, he shall for every such offence be liable, on conviction before two justices, to be imprisoned in the common gaol or house of correction for any period not exceeding three months, with or without hard labour.

(*Signed by the mayor or overseer.*)

Permissive Prohibitory Liquor.

A

B I L L

To enable owners and occupiers of property in certain districts to prevent the common sale of intoxicating liquors within such districts.

(*Prepared and brought in by Sir Wilfrid Lawson, Mr. Bazley, and Mr. Dalway.*)

Ordered, by The House of Commons, *to be Printed,* 22 *February* 1869.

[Bill 10.]

A

B I L L

FOR

The safe keeping of Petroleum and other substances of a like nature. A.D. 1869.

WHEREAS it is expedient to consolidate and amend the law relating to the safe keeping of petroleum and other substances of a like nature: Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title of Act.

1. This Act may be cited as "The Petroleum Act, 1869."

Interpretation of certain terms in the Act.

2. In this Act, if not inconsistent with the context, the following terms have the meanings herein-after assigned to them; (that is to say,)

"Petroleum:"

The term "petroleum" includes rock oil, Rangoon oil, Burmah oil, any oil made from petroleum, coal, schist, shale, peat, or other bituminous substance, provided that such oils, when tested in manner set forth in the schedule to this Act, give off an inflammable vapour at a temperature of less than one hundred degrees of Fahrenheit's thermometer; it also includes any product of any of the above-mentioned oils, which however tested gives off an inflammable vapour at a temperature of less than one hundred degrees of Fahrenheit's thermometer.

"Borough:"

The term "borough" means—

In England any place for the time being subject to the provisions of the Act of the session of the fifth and sixth years of King William the Fourth, chapter seventy-six, "to provide for the regulation of municipal corporations in England and Wales;"

In Scotland any royal burgh and any of the burghs or towns returning or contributing to return members to Parliament;

In Ireland any place for the time being subject to the provisions of the Act of the session of the third and fourth

A.D. 1869.

years of Her Majesty, chapter one hundred and eight, "for "the regulation of municipal corporations in Ireland."

"Harbour:" The term "harbour" includes any port, dock, navigable river, pier, or other works in or at which vessels ship or discharge goods or passengers;

"Harbour authority." The term "harbour authority" includes all persons or bodies of persons, corporate or unincorporate, being proprietors of or intrusted with the duty of improving, maintaining, or managing any harbour.

Regulations to be observed by a ship carrying petroleum.

3. Every vessel carrying a cargo consisting wholly or in part of petroleum on entering any harbour within the United Kingdom shall conform to such regulations in respect to the place at which she is to be moored as may from time to time be issued by the harbour authority having jurisdiction over such harbour. If any vessel is moored in any place in contravention of such regulations the owner or master of such vessel shall incur a penalty not exceeding *twenty pounds* for each day during which the vessel remains so moored, and it shall be lawful for the harbour master, or any other person acting under the orders of the harbour authority, to cause such vessel to be removed, at the expense of the owner thereof, to such place as may be in conformity with the said regulations, and all expenses incurred in such removal may be recovered in the same manner in which penalties are by this Act made recoverable.

Regulations as to storage of petroleum.

4. Save as herein-after mentioned after *the passing of this Act* petroleum shall not be kept within fifty yards of a dwelling house or of a building in which goods are stored, except in pursuance of a licence given by such local authority as is in this Act mentioned.

Any petroleum kept in contravention of this section shall be forfeited, and in addition thereto the occupier of the place in which such petroleum is kept shall be liable to a penalty not exceeding *twenty pounds* a day for each day during which petroleum is kept in contravention of this Act.

This section shall not apply to petroleum kept for private use, nor shall it apply to petroleum kept by a dealer for sale by retail provided the following conditions are complied with:

(1.) That it is kept in separate glass or earthenware bottles, each of which contains not more than half a pint, and is securely corked:

(2.) That the aggregate amount kept by the dealer, supposing the whole contents of the bottles to be in bulk, does not exceed *three gallons*.

A.D. 1869.

Definition of local authority.

5. The following bodies shall respectively be the local authority to grant licences under this Act in the districts herein-after mentioned; (that is to say,)

(1.) In the city of London, except as hereafter in this section mentioned, the court of the lord mayor and aldermen of the said city:

(2.) In the metropolis, (that is in places for the time being within the jurisdiction of the Metropolitan Board of Works under The Metropolis Management Act, 1855,) except the city of London, and except as hereafter in this section mentioned, the Metropolitan Board of Works:

(3.) In any borough in England or Ireland, except as hereafter in this section mentioned, the mayor, aldermen, and burgesses, by the council:

(4.) In any place in England or Ireland, except as hereafter in this section mentioned, within the jurisdiction of any trustees or improvement commissioners appointed under the provisions of any local or general Act of Parliament, and not being a borough, the trustees or commissioners:

(5.) In any burgh or place in Scotland, except as hereafter in this section mentioned, within the jurisdiction of any town council, and not subject to the jurisdiction of police commissioners or trustees, the town council:

(6.) In any burgh or place in Scotland, except as hereafter in this section mentioned, within the jurisdiction of police commissioners or trustees exercising the functions of police commissioners under any general or local Act, the police commissioners or trustees:

(7.) In any harbour within the jurisdiction of a harbour authority, whether situate or not within the jurisdiction of any local authority before in this section mentioned, the harbour authority, to the exclusion of any other local authority:

(8.) In any place in England or Ireland in which there is no local authority as before in this section defined, the justices in petty sessions assembled, and in Scotland any two justices of the peace for the county.

Sale of petroleum for use.

6. No person shall sell or expose for sale for use within the United Kingdom any description of petroleum which gives off an inflammable vapour at a temperature of less than one hundred degrees of Fahrenheit's thermometer, unless the bottle or vessel containing such petroleum have attached thereto a label in legible characters stating as follows: "Great care must be taken in bringing "any light near to the contents of this vessel, as they give off an

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" inflammable vapour at a temperature of less than one hundred " degrees of Fahrenheit's theremometer." Any petroleum sold or exposed for sale in contravention of this section shall be forfeited, and in addition thereto the person selling or exposing the same for sale in contravention of this section shall for each offence be liable to a penalty not exceeding *five pounds*.

Mode of granting licences.

7. Licences in pursuance of this Act shall be valid if signed by two or more of the persons constituting the local authority, or executed in any other way in which other licences, if any, granted by such authority are executed. Licences may be granted for a limited time and may be subject to renewal or not in such manner as the local authority thinks necessary.

There may be annexed to any such licence such conditions as to the mode of storage, the nature of the goods with which petroleum is to be stored, the testing of such petroleum from time to time, and generally as to the safe keeping of petroleum as may seem expedient to the local authority.

Any licensee violating any of the conditions of his licence shall be deemed to be an unlicensed person. There may be charged in respect of each licence granted in pursuance of this Act such sum, not exceeding *two shillings and sixpence*, as the local authority may think fit to charge.

In case of refusal of licence the applicant may memorialize Secretary of State.

8. If on any application for a licence under this Act the local authority refuses the licence, or grants the same only on conditions with which the applicant is dissatisfied, the local authority shall, if required by the applicant, deliver to him in writing under the hand or hands of one or more of the persons constituting the local authority, a certificate of the grounds on which they refused the licence or annexed conditions to the grant thereof.

The applicant within ten days from the time of the delivery of the certificate may transmit the same to one of Her Majesty's Principal Secretaries of State if the application is for a licence in England or Scotland, and to the Lord Lieutenant or other chief governor if the application is for a licence in Ireland, together with a memorial, praying that notwithstanding such refusal the licence may be granted, or that the conditions may not be imposed, or may be altered or modified in such manner and to such extent as may be set forth in such memorial.

It shall be lawful for the Secretary of State, Lord Lieutenant, or other chief governor, if he think fit, on consideration of such memorial and certificate, and if he think it necessary or desirable, after due inquiry from and a report by such person as he may

appoint for that purpose, to grant the licence prayed for, either absolutely or with such conditions as he thinks fit, or to alter or modify the conditions imposed by the local authority; and the licence so granted or altered and modified as the case may be, when certified under the hand of the said Secretary of State, Lord Lieutenant, or other chief governor, shall be to all intents as valid as if granted by the local authority.

Testing of petroleum by officer of local authority.

9. Any officer authorized by the local authority may purchase petroleum from any dealer in petroleum, or may, on producing his authority, require the dealer to show him all or any of the vessels in which petroleum in his possession is stored, and the place of the storage thereof, and to give him samples of such petroleum on payment of the value of such samples.

When the officer has by either of the means aforesaid taken samples of petroleum, he may declare in writing to the dealer that he is about to test the same in manner provided by this Act, and it shall be lawful for him to test the same at any convenient place at such reasonable time as he may appoint, and the dealer or any person appointed by him may be present at the testing, and if it appear to the officer so testing that the petroleum from which such samples have been taken has been kept, offered, or exposed for sale contrary to this Act, he may certify such fact to the local authority, and the certificate so given shall be receivable as evidence in any proceedings that may be taken against a dealer in petroleum in pursuance of this Act; but it shall be lawful for a dealer proceeded against to give evidence in proof that such certificate is incorrect, and thereupon the court before which any such proceedings may be taken may appoint some person skilled in chemistry to examine the samples to which such certificate relates, and to declare whether such certificate is correct or incorrect.

Any expenses incurred in testing any petroleum of any dealer in pursuance of this section shall, if such dealer be convicted of keeping, selling, or exposing for sale petroleum in contravention of this Act, be deemed to be a portion of the costs of the proceedings against him, and shall be paid by him accordingly. In any other event such expenses shall be paid by the local authority out of any funds for the time being in their hands.

Search for petroleum.

10. Petroleum may be searched for in the same manner, under the same warrants, and subject to the same conditions in, under, and subject to which gunpowder may be searched for in pursuance of the Act of the session of the twenty-third and twenty-fourth years of the reign of Her present Majesty, chapter one hundred and thirty-

A.D. 1869.

nine; and all the provisions of the said Act relating to searching for gunpowder are hereby incorporated with this Act, and shall for the purposes of this Act be construed as if the word "gunpowder" in such provisions included petroleum as defined by this Act, and as if the Act therein referred to were this Act.

Summary proceedings for offences, penalties, &c.

11. Any forfeiture or penalty under this Act may be recovered and enforced as follows:

In England, before two justices of the peace in manner directed by the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, intituled "An Act to facilitate the performance of the duties of justices "of the peace out of sessions within England and Wales with "respect to summary convictions and orders," and any Act amending the same.

In Scotland, in manner directed by The Summary Procedure Act, 1864, and any Act amending the same.

In Ireland, in manner directed by The Petty Sessions (Ireland) Act, 1851, and any Act amending the same; and in Dublin by the Acts regulating the powers of justices of the peace, or of the police of Dublin metropolis.

Any jurisdiction by this section authorized to be exercised by two justices may be done or exercised by any of the following magistrates within their respective jurisdictions, that is to say:

As to England, by any metropolitan police magistrate sitting alone at a police court or other appointed place, or by the lord mayor, or any alderman of the city of London, sitting alone or with others within the said city.

As to Scotland, by the sheriff or sheriff substitute, or by any police magistrate of a burgh.

As to Ireland, by any one or more divisional magistrates of police in the police district of Dublin, and elsewhere by one or more justice or justices of the peace in petty sessions.

The term "court" shall include the justices, magistrate, or other person or persons before whom proceedings may be had for the recovery of any forfeiture or penalty.

Reservation of previous powers with respect to inflammable substances.

12. All powers given by this Act shall be deemed to be in addition to and not in derogation of any other powers conferred on any local authority by Act of Parliament, law, or custom, and the local authority may exercise such other powers in the same manner as if this Act had not passed; and nothing in this Act contained shall be deemed to exempt any person from any penalty to which he would otherwise be subject in respect of a nuisance.

13. There shall be repealed— A.D. 1869.

(1.) The Act of the session of the twenty-fifth and twenty-sixth years of the reign of Her present Majesty, chapter sixty-six, intituled "An Act for the safe keeping of petroleum," and — Repeal of Acts 25 & 26 Vict. c. 66.

(2.) The Act of the session of the thirty-first and thirty-second years of the reign of Her present Majesty, chapter fifty-six, and intituled "An Act to amend the Act twenty-fifth and "twenty-sixth Victoria, chapter sixty-six, for the safe "keeping of petroleum." — 31 & 32 Vict. c. 56.

Provided that such repeal shall not affect any licence granted under any Act hereby repealed or any liability or penalty incurred in respect of any offence committed before the passing of this Act, or any legal remedy for enforcing such liability or penalty.

SCHEDULE.

Directions for applying the Flashing Test to Samples of Petroleum Oil.

The vessel which is to hold the oil shall be of thin sheet iron; it shall be two inches deep and two inches wide at the opening, tapering slightly towards the bottom; it shall have a flat rim, with a raised edge one quarter of an inch high round the top; it shall be supported by this rim in a tin vessel four inches and a half deep and four and a half inches in diameter; it shall also have a thin wire stretched across the opening, which wire shall be so fixed to the edge of the vessel that it shall be a quarter of an inch above the surface of the flat rim. The thermometer to be used shall have a round bulb about half an inch in diameter, and is to be graduated upon the scale of Fahrenheit, every ten degrees occupying not less than half an inch upon the scale.

The inner vessel shall be filled with the petroleum to be tested, but care must be taken that the liquid does not cover the flat rim. The outer vessel shall be filled with cold, or nearly cold, water; a small flame shall be applied to the bottom of the outer vessel, and the thermometer shall be inserted into the oil so that the bulb shall be immersed about one and a half inches beneath the surface. A screen of pasteboard or wood shall be placed round the apparatus, and shall be of such dimensions as to surround it about two thirds, and to reach several inches above the level of the vessels.

When heat has been applied to the water until the thermometer has risen to about 90° Fahrenheit, a very small flame shall be quickly passed across the surface of the oil on a level with the wire. If no pale blue flicker or flash is produced, the application of the flame is to be repeated for every rise of two or three degrees in the thermometer. When the flashing point has been noted, the test shall be repeated with a fresh sample of the oil, using cold, or nearly cold, water as before; withdrawing the source of heat from the outer vessel when the temperature approaches that noted in the first experiment, and applying the flame test at every rise of two degrees in the thermometer.

Petroleum.

A

BILL

For the safe keeping of Petroleum and other substances of a like nature.

(*Prepared and brought in by Mr. Knatchbull-Hugessen and Mr. Secretary Bruce.*)

Ordered, by The House of Commons, *to be Printed*, 13 *May* 1869.

[Bill 131.]

Under 2 *oz.*

A

B I L L

[AS AMENDED IN COMMITTEE]

FOR

The safe keeping of Petroleum and other substances of a like nature. A.D. 1869.

WHEREAS it is expedient to consolidate and amend the law relating to the safe keeping of petroleum and other substances of a like nature: Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title of Act.

1. This Act may be cited as "The Petroleum Act, 1869."

Interpretation of certain terms in the Act.

2. In this Act, if not inconsistent with the context, the following terms have the meanings herein-after assigned to them; (that is to say,)

"Borough:"

The term "borough" means—

In England any place for the time being subject to the provisions of the Act of the session of the fifth and sixth years of King William the Fourth, chapter seventy-six, "to provide for the regulation of municipal corporations in England and Wales;"

In Scotland any royal burgh and any of the burghs or towns returning or contributing to return members to Parliament;

In Ireland any place for the time being subject to the provisions of the Act of the session of the third and fourth years of Her Majesty, chapter one hundred and eight, "for the regulation of municipal corporations in Ireland."

"Harbour:"

The term "harbour" includes any port, dock, navigable river, pier, or other works in or at which vessels ship or discharge goods or passengers;

"Harbour authority."

The term "harbour authority" includes all persons or bodies of persons, corporate or unincorporate, being proprietors of or intrusted with the duty of improving, maintaining, or managing any harbour.

A.D. 1869.

Clause A. Definition of inflammable oil.

3. For the purposes of this Act the term "inflammable oil" shall mean only such petroleum, rock oil, Rangoon oil, Burmah oil, oil made from petroleum, coal, schist, shale, peat, or other bituminous substance, and such spirit or product of petroleum or any of the above-mentioned oils as, when tested in manner set forth in the schedule to this Act, gives off an inflammable vapour at a temperature of less than one hundred degrees of Fahrenheit's thermometer.

Regulations to be observed by a ship carrying inflammable oil.

4. Every vessel carrying a cargo consisting wholly or in part of inflammable oil on entering any harbour within the United Kingdom shall conform to such regulations in respect to the place at which she is to be moored as may from time to time be issued by the harbour authority having jurisdiction over such harbour. If any vessel is moored in any place in contravention of such regulations the owner or master of such vessel shall incur a penalty not exceeding twenty pounds for each day during which the vessel remains so moored, and it shall be lawful for the harbour master, or any other person acting under the orders of the harbour authority, to cause such vessel to be removed, at the expense of the owner thereof, to such place as may be in conformity with the said regulations, and all expenses incurred in such removal may be recovered in the same manner in which penalties are by this Act made recoverable.

Regulations as to storage of inflammable oil.

5. Save as herein-after mentioned after the passing of this Act inflammable oil shall not be kept within fifty yards of a dwelling house or of a building in which goods are stored, except in pursuance of a licence given by such local authority as is in this Act mentioned.

Any inflammable oil kept in contravention of this section shall be forfeited, and in addition thereto the occupier of the place in which such oil is kept shall be liable to a penalty not exceeding twenty pounds a day for each day during which such oil is kept in contravention of this Act.

This section shall not apply to inflammable oil kept for private use, or kept by a dealer for sale by retail provided the following conditions are complied with:

(1.) That it is kept in separate glass, earthenware, or metal bottles, each of which contains not more than half a pint, and is securely corked:

(2.) That the aggregate amount kept, supposing the whole contents of the bottles to be in bulk, does not exceed three gallons.

A.D. 1869.

Definition of local authority.

6. The following bodies shall respectively be the local authority to grant licences under this Act in the districts herein-after mentioned; (that is to say,)

(1.) In the city of London, except as hereafter in this section mentioned, the court of the lord mayor and aldermen of the said city:

(2.) In the metropolis, (that is in places for the time being within the jurisdiction of the Metropolitan Board of Works under The Metropolis Management Act, 1855,) except the city of London, and except as hereafter in this section mentioned, the Metropolitan Board of Works:

(3.) In any borough in England or Ireland, except as hereafter in this section mentioned, the mayor, aldermen, and burgesses, by the council:

(4.) In any place in England or Ireland, except as hereafter in this section mentioned, within the jurisdiction of any trustees or improvement commissioners appointed under the provisions of any local or general Act of Parliament, and not being a borough, the trustees or commissioners:

(5.) In any burgh or place in Scotland, except as hereafter in this section mentioned, within the jurisdiction of any town council, and not subject to the jurisdiction of police commissioners or trustees, the town council:

(6.) In any burgh or place in Scotland, except as hereafter in this section mentioned, within the jurisdiction of police commissioners or trustees exercising the functions of police commissioners under any general or local Act, the police commissioners or trustees:

(7.) In any harbour within the jurisdiction of a harbour authority, whether situate or not within the jurisdiction of any local authority before in this section mentioned, the harbour authority, to the exclusion of any other local authority:

(8.) In any place in England or Ireland in which there is no local authority as before in this section defined, the justices in petty sessions assembled, and in Scotland any two justices of the peace for the county.

Sale of inflammable oil for use.

7. No person shall sell or expose for sale for use within the United Kingdom any inflammable oil unless the bottle or vessel containing such oil have attached thereto a label in legible characters stating as follows: "Great care must be taken in bringing "any light near to the contents of this vessel, as they give off an "inflammable vapour at a temperature of less than one hundred "degrees of Fahrenheit's thermometer." Any inflammable oil

A.D. 1869.

sold or exposed for sale in contravention of this section shall be forfeited, and in addition thereto the person selling or exposing the same for sale in contravention of this section shall for each offence be liable to a penalty not exceeding five pounds.

Mode of granting licences.

8. Licences in pursuance of this Act shall be valid if signed by two or more of the persons constituting the local authority, or executed in any other way in which other licences, if any, granted by such authority are executed. Licences may be granted for a limited time and may be subject to renewal or not in such manner as the local authority thinks necessary.

There may be annexed to any such licence such conditions as to the mode of storage, the nature and situation of the premises in which, and the nature of the goods with which inflammable oil is to be stored, the facilities for the testing of such inflammable oil from time to time, the mode of carrying inflammable oil within the district of the licensing authority, and generally as to the safe keeping of inflammable oil as may seem expedient to the local authority.

Any licensee violating any of the conditions of his licence shall be deemed to be an unlicensed person. There may be charged in respect of each licence granted in pursuance of this Act such sum, not exceeding five shillings, as the local authority may think fit to charge.

In case of refusal of licence the applicant may memorialize Secretary of State.

9. If on any application for a licence under this Act the local authority refuses the licence, or grants the same only on conditions with which the applicant is dissatisfied, the local authority shall, if required by the applicant, deliver to him in writing under the hand or hands of one or more of the persons constituting the local authority, a certificate of the grounds on which they refused the licence or annexed conditions to the grant thereof.

The applicant within ten days from the time of the delivery of the certificate may transmit the same to one of Her Majesty's Principal Secretaries of State if the application is for a licence in England or Scotland, and to the Lord Lieutenant or other chief governor if the application is for a licence in Ireland, together with a memorial, praying that notwithstanding such refusal the licence may be granted, or that the conditions may not be imposed, or may be altered or modified in such manner and to such extent as may be set forth in such memorial.

It shall be lawful for the Secretary of State, Lord Lieutenant, or other chief governor, if he think fit, on consideration of such memorial and certificate, and if he think it necessary or desirable,

after due inquiry from and a report by such person as he may appoint for that purpose, to grant the licence prayed for, either absolutely or with such conditions as he thinks fit, or to alter or modify the conditions imposed by the local authority; and the licence so granted or altered and modified as the case may be, when certified under the hand of the said Secretary of State, Lord Lieutenant, or other chief governor, shall be to all intents as valid as if granted by the local authority.

Testing of inflammable oil by officer of local authority.

10. Any officer authorized by the local authority may purchase inflammable oil from any dealer in it, or may, on producing a copy of his appointment, purporting to be certified by the clerk or some member of the local authority, or producing some other sufficient authority, require the dealer to show him all or any of the vessels in which inflammable oil in his possession is stored, and the place of the storage thereof, and to give him samples of such inflammable oil on payment of the value of such samples.

When the officer has by either of the means aforesaid taken samples of inflammable oil, he may declare in writing to the dealer that he is about to test the same, or cause the same to be tested, in manner provided by this Act, and it shall be lawful for him to test the same or cause the same to be tested, at any convenient place at such reasonable time as he may appoint, and the dealer or any person appointed by him may be present at the testing, and if it appear to the officer or other person so testing that the inflammable oil from which such samples have been taken has been kept, offered, or exposed for sale contrary to this Act, such officer or other person may certify such fact, and the certificate so given shall be receivable as evidence in any proceedings that may be taken against a dealer in inflammable oil in pursuance of this Act; but it shall be lawful for a dealer proceeded against to give evidence in proof that such certificate is incorrect, and thereupon the court before which any such proceedings may be taken may appoint some person skilled in testing inflammable oil to examine the samples to which such certificate relates, and to declare whether such certificate is correct or incorrect.

Any expenses incurred in testing any inflammable oil of such dealer in pursuance of this section shall, if such dealer be convicted of keeping, selling, or exposing for sale inflammable oil in contravention of this Act, be deemed to be a portion of the costs of the proceedings against him, and shall be paid by him accordingly. In any other event such expenses shall be paid by the local authority out of any funds for the time being in their hands.

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Clause B. Penalty for refusing information.

11. Any dealer who refuses to show to any officer authorized by the local authority all or any of the vessels in which inflammable oil in his possession is stored, and the place of the storage thereof, or to give to such officer samples of such oil on payment of the value of such samples, or who wilfully obstructs the local authority, or any officer of the local authority, in the execution of this Act, shall incur a penalty not exceeding twenty pounds.

Search for inflammable oil.

12. Inflammable oil may be searched for in the same manner, under the same warrants, and subject to the same conditions in, under, and subject to which gunpowder may be searched for in pursuance of the Act of the session of the twenty-third and twenty-fourth years of the reign of Her present Majesty, chapter one hundred and thirty-nine; and all the provisions of the said Act relating to searching for gunpowder are hereby incorporated with this Act and shall for the purposes of this Act be construed as if the word "gunpowder" in such provisions included inflammable oil as defined by this Act, and as if the Act therein referred to were this Act.

Clause C. Application of part of Act to nitro-glycerine and other substances.

13. This Act shall apply to the substance commonly known as nitro-glycerine or glonoine oil, and to every substance to which this Act is directed by any Order of Her Majesty in Council for the time being in force to apply, and this Act shall be construed and have effect as if throughout it such substances had been included in the definition of inflammable oil, subject to the following qualifications:

(1.) No quantity of nitro-glycerine or glonoine oil may be kept without a license:

(2.) The quantity of any substance to which this Act is directed by Order in Council to apply, which may be kept without a licence, shall be such quantity only as is specified in that behalf in such order, or if no such quantity is specified no quantity may be kept without a license:

(3.) The label on the bottle or vessel containing such substance shall, in the case of nitro-glycerine or glonoine oil, be such as one of Her Majesty's Principal Secretaries of State may from time to time direct, and in the case of any substance to which this Act is directed by Order in Council to apply, shall be such as may be specified in that behalf in the order.

Her Majesty may from time to time make, revoke, and vary Orders in Council directing this Act to apply to any substance.

Summary proceedings for offences, penalties, &c.

14. Any forfeiture or penalty under this Act may be recovered, enforced, and applied as follows:

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In England, before two justices of the peace in manner directed by the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, intituled "An Act to facilitate the performance of the duties of justices of the peace out of sessions within England and Wales with respect to summary convictions and orders," and any Act amending the same.

In Scotland, in manner directed by The Summary Procedure Act, 1864, and any Act amending the same, or by any police or other Act for the time being in force in any place, and providing for the recovery of forfeitures and penalties.

In Ireland, in manner directed by The Petty Sessions (Ireland) Act, 1851, and any Act amending the same; and in Dublin by the Acts regulating the powers of justices of the peace, or of the police of Dublin metropolis.

Any jurisdiction by this section authorized to be exercised by two justices may be done or exercised by any of the following magistrates within their respective jurisdictions, that is to say:

As to England, by any metropolitan police magistrate sitting alone at a police court or other appointed place, or by the lord mayor, or any alderman of the city of London, sitting alone or with others within the said city.

As to Scotland, by the sheriff or sheriff substitute, or by any police magistrate of a burgh.

As to Ireland, by any one or more divisional magistrates of police in the police district of Dublin, and elsewhere by one or more justice or justices of the peace in petty sessions.

The term "court" shall include the justices, magistrate, or other person or persons before whom proceedings may be had for the recovery of any forfeiture or penalty.

Reservation of previous powers with respect to inflammable substances.

15. All powers given by this Act shall be deemed to be in addition to and not in derogation of any other powers conferred on any local authority by Act of Parliament, law, or custom, and the local authority may exercise such other powers in the same manner as if this Act had not passed; and nothing in this Act contained shall be deemed to exempt any person from any penalty to which he would otherwise be subject in respect of a nuisance.

16. There shall be repealed—

Repeal of Acts 25 & 26 Vict. c. 66.

(1.) The Act of the session of the twenty-fifth and twenty-sixth years of the reign of Her present Majesty, chapter sixty-six, intituled "An Act for the safe keeping of petroleum," and

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31 & 32 Vict. c. 56.

(2.) The Act of the session of the thirty-first and thirty-second years of the reign of Her present Majesty, chapter fifty-six, and intituled "An Act to amend the Act twenty-fifth and "twenty-sixth Victoria, chapter sixty-six, for the safe "keeping of petroleum."

29 & 30 Vict. c. 69. ss. 8, 9.

(3.) Sections eight and nine of the Carriage and Deposit of Dangerous Goods Act, 1866.

Provided that such repeal shall not affect any Order in Council made, or any licence granted, under any Act hereby repealed or any liability or penalty incurred in respect of any offence committed before the passing of this Act, or any legal remedy for enforcing such liability or penalty, and every such order, so far as relates to the matters provided for by this Act, and every such licence, shall have effect as if it had been made or granted under this Act.

SCHEDULE.

Directions for applying the Flashing Test to Samples of Petroleum Oil.

The cup which is to hold the oil shall be of thin sheet iron; it shall be two inches deep and two inches wide at the opening, tapering slightly towards the bottom; it shall be supported by means of three brass arms projecting from the edge of the cup so that it may be on a level with the top of a tin or copper vessel four inches and a half deep and four and a half inches in diameter; it shall also have a thin wire stretched across the opening, which wire shall be so fixed as to be a quarter of an inch above the edge of the cup. The thermometer to be used shall have a round bulb about half an inch in diameter, and is to be graduated upon the scale of Fahrenheit, every ten degrees occupying not less than half an inch upon the scale.

The cup shall be filled with the petroleum to be tested. The outer vessel shall be filled with cold, or nearly cold, water; a flame shall be applied to the bottom of the outer vessel, the size of this flame being such that the water to be heated by it shall rise from the temperature of 70° to that of 90° Fahrenheit in from fifteen to twenty minutes. The thermometer shall be inserted into the oil so that the bulb shall be immersed beneath the surface. A covered screen with a hole in the cover for the thermometer shall be placed over the apparatus so as to surround the apparatus about two thirds, and to reach several inches above the level of the vessels.

When heat has been applied to the water until the thermometer has risen to about 90° Fahrenheit, a very small flame from a piece of burning twine shall be quickly passed across the surface of the oil on a level with the wire. If no pale blue flicker or flash is produced, the application of the flame is to be repeated for every rise of two or three degrees in the thermometer. When the flashing point has been noted, the test shall be repeated with a fresh sample of the oil, using cold, or nearly cold, water as before; withdrawing the source of heat from the outer vessel when the temperature approaches that noted in the first experiment, and applying the flame test at every rise of two degrees in the thermometer.

In performing the test the operator must be careful not to breathe upon the surface of the oil so that the vapour produced may not be removed by the current of air.

Petroleum.

A

B I L L

[AS AMENDED IN COMMITTEE]

For the safe keeping of Petroleum and other substances of a like nature.

(*Prepared and brought in by Mr. Knatchbull-Hugessen and Mr. Secretary Bruce.*)

Ordered, by The House of Commons, *to be Printed,* 5 *June* 1869.

[Bill 194.]

Under 2 *oz.*

A

BILL

TO

Amend "The Pharmacy Act, 1868." A.D. 1869.

WHEREAS it is expedient to exempt from the provisions of the Pharmacy Act, 1868, all duly qualified medical practitioners and veterinary surgeons in Scotland:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Reserving rights of certain persons.

1. Nothing contained in the first fifteen sections of the recited Act shall extend to or interfere with the business of any legally qualified medical practitioner in Scotland duly registered under "The Medical Act," or of any legally qualified veterinary surgeon in Scotland.

Pharmacy Act (1868) Amendment.

A

B I L L

To amend "The Pharmacy Act, 1868."

(*Prepared and brought in by Lord Robert Montagu and Sir Graham Montgomery.*)

Ordered, by The House of Commons, *to be Printed,* 4 *March* 1869.

[Bill 37.]

Under 1 *oz.*

o be substituted for the Bill [99.] already delivered.

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Amend "The Pharmacy Act, 1868." A.D. 1869.

WHEREAS it is expedient to amend the provisions of the Pharmacy Act, 1868, in regard to duly qualified medical practitioners and veterinary surgeons, and in other respects:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Reserving rights of certain persons.

1. Nothing contained in the first fifteen sections of the recited Act shall affect any person who has been registered as a legally qualified medical practitioner before the passing of this Act; and the said clauses shall not apply to any person who may hereafter be registered as a legally qualified practitioner, and who, in order to obtain his diploma for such registration, shall have passed an examination in pharmacy; nor shall the said clauses prevent any person who is a member of the Royal College of Veterinary Surgeons of Great Britain, or holds a certificate in veterinary surgery from the Highland and Agricultural Society of Scotland, from dispensing medicines for animals under his care.

Period within which certificates under section 4. of recited Act to be produced to registrar.

2. The time within which certificates may be produced to the registrar under section four of the said Act, by persons employed as assistants before the passing of the said Act, shall be extended to the thirty-first day of December one thousand eight hundred and sixty-nine, and the certificates given under the same section according to Schedule (E.) of the said Act shall be sufficient if the three years of employment therein mentioned are declared to have ended at any time prior to the passing of the said Act.

To be substituted for the Bill [99] *already delivered.*

Pharmacy Act (1868) Amendment.

A

B I L L

[AS AMENDED IN COMMITTEE]

To amend "The Pharmacy Act, 1868."

(*Prepared and brought in by Lord Robert Montagu and Sir Graham Montgomery.*)

Ordered, by The House of Commons, *to be Printed,* 29 *April* 1869.

[Bill 99.]

Under 1 *oz.*

A

BILL

FOR

Confirming certain Provisional Orders made by the Board of Trade under The General Pier and Harbour Act, 1861, relating to Cliftonville, Gillingham, Ilfracombe, Rosslare, and Saint Just. A.D. 1869.

Preamble. 24 & 25 Vict. c. 45.

WHEREAS a provisional order made by the Board of Trade under The General Pier and Harbour Act, 1861, is not of any validity or force whatever until the confirmation thereof by Act of Parliament:

And whereas it is expedient that the several provisional orders made by the Board of Trade under the said Act, and set out in the schedule to this Act, be confirmed by Act of Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Confirmation of orders in schedule.

1. The several orders set out in the schedule to this Act shall be and the same are hereby confirmed, and all the provisions thereof in manner and form as they are set out in the said schedule shall, from and after the passing of this Act, have full validity and force.

Short title.

2. This Act may be cited as The Pier and Harbour Orders Confirmation Act, 1869 (No. 1.)

The SCHEDULE OF ORDERS.

1. CLIFTONVILLE.—Construction of a pier.
2. GILLINGHAM.—Power to levy rates at existing pier.
3. ILFRACOMBE.—Improvement of harbour.
4. ROSSLARE.—Construction of a pier.
5. SAINT JUST.—Construction of a harbour and piers.

CLIFTONVILLE.

Order for the Construction, Maintenance, and Regulation of a Pier at Cliftonville, in the Parish of Hove, in the County of Sussex.

Incorporation of Company.

1.—The following persons, namely, James Easton the younger, Edward Easton, William Anderson, and all other persons and corporations subscribing to the undertaking authorized by this Order, and their executors, administrators, successors, and assigns respectively, shall be and are hereby constituted into a Company for the purpose of making, maintaining, and regulating the pier and works authorized by this Order, and for those purposes shall be and are hereby incorporated by the name of "The Cliftonville Pier Company," and by that name shall be one body corporate with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other proporty for the purposes, but subject to the restrictions of this Order.

Undertakers.

2.—The Cliftonville Pier Company, in this Order called the Company, shall be the undertakers of the works authorized by this Order.

Incorporation of Clauses Acts.

3.—"The Companies Clauses Consolidation Act, 1845," and Part I. of "The Companies Clauses Act, 1863," are hereby incorporated with this Order; and the words "special Act" in such Acts mentioned shall apply to and include this Order.

Capital.

4.—The capital of the Company shall be twenty-five thousand pounds in two thousand five hundred shares of ten pounds each.

Shares not to be issued until one-fifth paid up.

5.—The Company shall not issue any share created under the authority of this Order, nor shall any such share vest in the person accepting the same, unless and until a sum not being less than one fifth part of the amount of such share has been paid up in respect thereof.

Calls.

6.—No call shall exceed two pounds ten shillings a share, or be made payable within three months of a previous call.

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Power to create preference shares.

7.—The Company, with the sanction of at least three fifths in value of the votes of the shareholders present in person or by proxy at a general meeting specially convened for that purpose, may attach to all or any of the then unissued shares, not exceeding one third part of the capital, dividend at a rate not exceeding five pounds per centum per annum, in priority to the dividend on the other shares of the capital.

Borrowing on mortgage.

8.—The Company from time to time may borrow on mortgage, at interest, any sum or sums of money not exceeding in the whole six thousand five hundred pounds, but no money shall be so borrowed until the whole of the capital of twenty-five thousand pounds is subscribed for, and one half thereof is paid up, and the Company satisfy the Justice, who certifies under section 40 of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that the whole of the capital has been issued and accepted, and that one half thereof has been paid up, and that not less than one fifth part of the amount of each separate share has been paid on account thereof before or at the time of the issue or acceptance thereof, and that the capital was issued bonâ fide, and is held by registered holders thereof, legally liable for so much thereof as is not paid up (of which satisfaction the certificate shall be conclusive evidence).

Receiver.

9.—The mortgagees of the Company may enforce the payment of the arrears of interest or of principal and interest due on their respective mortgages by the appointment of a receiver, and the amount to authorize a requisition for a receiver is five hundred pounds.

No interest on dividend on calls.

10.—The Company shall not out of any money raised by calls or borrowing pay interest or dividend to any shareholder on the amount called up in respect of shares held by him; but this provision shall not prevent the Company paying to any shareholder interest on money advanced by him beyond the amount of calls actually made, in conformity with the provisions of "The Companies Clauses Consolidation Act, 1845."

Money not to be used for deposit under Standing Orders, &c.

11.—The Company shall not, out of any money so raised, pay or deposit any money that may be required to be paid or deposited in relation to any application to Parliament or the Board of Trade.

Money to be applied for purposes of order.

12.—Every part of the money so raised shall be applied only for the purposes authorized by this Order.

First general meeting.

13.—The first general meeting of the Company shall be held, within twelve months after the passing of an Act of Parliament confirming this Order, at such time and place as the directors determine.

Number of directors.

14.—The number of directors shall not be more than six or less than three.

Quorum of directors.

15.—The quorum of a meeting of directors shall be two.

First directors.

16.—James Easton the younger, Edward Easton, and William Anderson, with such other shareholders (if any) as they add to their number, shall be the first directors; and the first directors shall continue in office till the first general meeting of the Company, when they shall retire from office, and directors shall be elected by the meeting, the retiring directors being eligible.

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Qualification.

17.—The qualification of a director elected by the shareholders, or nominated as aforesaid, shall be the holding, in his own right, of shares in the capital of the Company to the aggregate nominal amount of at least one hundred pounds.

Remuneration.

18.—The remuneration of the directors shall, from time to time, be fixed by a general meeting, and shall be divided among the directors as they determine.

Power to take lands by agreement.

19.—For the purposes of the works authorized by this Order, the Company may, from time to time, by agreement, enter on, take, and use all such parts of the lands shown on the plans deposited for the purposes of this Order as they think requisite for the purposes of the proposed pier and works, and the conveniences connected therewith.

Incorporation of Lands Clauses Act.

20.—"The Lands Clauses Consolidation Act, 1845," except so much thereof as relates to the purchase or taking of lands otherwise than by agreement, and "The Lands Clauses Consolidation Acts Amendment Act, 1860," shall be incorporated with this Order.

Power to make works.

21.—Subject to the provisions of this Order, and subject also to such alterations (if any) in the deposited plans as the Board of Trade require from time to time before the completion of the works, in order to prevent injury to navigation, the Company may, on the lands taken by them under this Order, and in the lines and according to the levels shown on the deposited plans and sections (as far as the same are shown thereon), and within the limits of deviation shown on those plans, make and maintain the pier and works authorized by this Order.

Description of works authorized.

22.—The works authorized by this Order comprise the following:—

A promenade pier at Cliftonville in the parish of Hove, in the county of Sussex, with a landing place, and all necessary works and conveniences for the embarking and landing of passengers, goods, and merchandise, and for other purposes, commencing at a point one hundred feet, or thereabouts, northward of highwater-mark of spring tides, and distant eleven chains eighteen yards, or thereabouts, eastward of the north-east corner of Mill's Terrace, and extending seawards in a southerly direction twelve hundred feet, or thereabouts, beyond highwater-mark.

Power to take rates according to Schedule to this order.

23.—The Company may for the use of the pier and works demand and receive in respect of the vessels, goods, persons, and things described in the Schedule hereto, any sums not exceeding the rates in that Schedule specified.

Certain fishing vessels under stress of weather exempt from rates.

24.—Fishing vessels belonging to countries with which, for the time being, treaties exist exempting from duties and port charges such vessels when forced by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom, shall, when forced by stress of weather to make use of the Pier authorized by this Order, and not breaking bulk while making use thereof, be exempt from rates leviable under this Order.

Company may contract with persons for the use of the pier.

25.—The Company may grant to passengers and promenaders, or others, pass tickets for the use of the Pier, on such terms and for such a period, not

exceeding one year, as are agreed on, but so that no preference be given to any person. Such pass ticket shall not be transferable, and shall not be used by any person except the person for whom it is granted, or by any person after the period limited for its use. If any person acts in any way in contravention of this provision, or uses, or attempts to use, any false or counterfeit ticket, he shall, for every such offence, be liable to a penalty not exceeding twenty shillings, to be recovered and applied as penalties are recoverable and applicable under "The Harbours, Docks, and Piers Clauses Act, 1847," for all the purposes of which Act this Order shall be deemed the Special Act.

Custom House officers exempt from rates.

26.—Officers of Customs, being in the execution of their duty, shall at all times have free ingress, passage and egress to, on, along, and from the Pier, by land and with their vessels, and otherwise, without payment.

Lands for extraordinary purposes.

27.—The Company shall not purchase, for extraordinary purposes, lands exceeding in extent, in the whole, three acres.

Meters and weighers.

28.—The Company shall have the appointment of meters and weighers on, or in connection with, the Pier.

Parts of Harbours, &c. Act, 1847, excepted.

29.—The following sections of "The Harbours, Docks, and Piers Clauses Act, 1847," shall not be incorporated with this Order, namely, sections sixteen to nineteen, and twenty-one to twenty-three, all inclusive.

Steam engines, diving bells, lighters, &c.

30.—The Company may provide such steam engines, steam vessels, tugs, piling engines, diving bells, ballast lighters, rubbish lighters, moorings, dredging machines, and other machinery, vessels and things, as they think necessary, for effectuating any of the purposes of this Order, and may demand and receive such sums for the use of the same as they think reasonable.

Part V. of 24 & 25 Vict. c. 47. to apply.

31.—Part V. of "The Harbours and Passing Tolls, &c., Act, 1861," shall apply to the works authorized by this Order.

Restriction on use of pier.

32.—Nothing in this Order shall entitle any person with any vessel or boat to ship or unship at the Pier authorized by this Order any sheep, cattle, or merchandise, or to ship or unship there anything which, in the judgment of the Company, might in any manner interfere with the use of the Pier for recreation, or for the embarking or landing of passengers.

Costs of Order.

33.—All the costs, charges, and expenses of and preparatory and incident to the obtaining of this Order, and otherwise in relation thereto, shall be paid by the Company.

Light to be exhibited.

34.—The Company shall, at the outer extremity of the Pier and works authorized by this Order, exhibit from sunset to sunrise such light (if any) as shall from time to time be directed by the Corporation of Trinity House, Deptford Strond.

Saving rights under Crown Lands Act, 1866.

35. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade by "The Crown Lands Act, 1866;" nor shall any works under this Order be commenced within limits affected by any such

A.D. 1869. rights, interests, powers, authorities, or privileges, without the assent of the Board of Trade having been first obtained.

Short title. 36.—This Order may be cited as "The Cliftonville Pier Order, 1869."

Board of Trade, Whitehall.

Dated this 8th day of April 1869.

(Signed) C. Cecil Trevor,
Assistant Secretary.

Schedule to which the foregoing Order refers.

I.—Rates on Vessels using the Pier.

	s.	*d.*
For every vessel under the burden of 15 tons, per ton	*0*	*4*
For every vessel of the burden of 15 tons and under 50 tons, per ton	*0*	*6*
For every vessel of the burden of 50 tons and under 100 tons, per ton	*0*	*8*
For every vessel of the burden of 100 tons and under 150 tons, per ton	*0*	*10*
For every vessel of the burden of 150 tons and upwards, per ton	*1*	*0*
All lighters, for each trip, per ton	*0*	*2*
All boats entirely open, landing or taking on board goods, each	*0*	*6*

II.—Rates of Goods shipped or unshipped at the Pier.

Ale, beer, and porter, per hogshead	*0*	*6*
Ale (bottled), per barrel	*0*	*4*
Ditto, per dozen bottles	*0*	*1*
Anchors, per cwt.	*0*	*9*
Anchor stock, per foot run	*0*	*2*
Bark, per ton	*2*	*0*
Bedding, per bundle	*0*	*3*
Beef or pork, per cwt.	*0*	*3*
Ditto, per barrel	*0*	*6*
Biscuit or bread, per cwt.	*0*	*3*
Blubber, per ton of 252 gallons	*3*	*0*
Bones and bone-dust, per ton	*1*	*6*
Bottles, per gross	*0*	*9*
Bricks, per 1,000	*1*	*6*
Butter and lard, per barrel	*0*	*6*
Ditto, per firkin	*0*	*3*
Cables, iron or hempen, per ton	*3*	*0*
Canvas, per bolt	*0*	*1*
Casks (empty), not being returned packages, per puncheon	*0*	*3*
Other casks in proportion.		
Cattle:		
Bulls, cows, and oxen, each	*3*	*0*
Calves, each	*1*	*0*
Horses, each	*4*	*0*

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		s.	d.
	Cattle—*continued.*		
	Pigs, each	0	6
	Sheep, each	1	0
	Chalk, per ton	1	0
5	Cheese, per cwt.	0	4
	Chimney pots, each	0	3
	Clay, per ton	1	0
	Cloth, haberdashery, &c., per package not exceeding cwt.	0	6
	Carriages:—		
10	Chaises and other four-wheeled carriages, each	7	6
	Gigs, carts, and other two-wheeled carriages, each	5	0
	Hand carts and perambulators, each	1	0
	Coals, per ton	1	0
	Copper, per ton	3	0
15	Cordage, per cwt.	0	3
	Cork, per cwt.	0	6
	Corpses, each	20	0
	Crystal, per box or package	0	6
	Dogs, each	0	6
20	Drugs (in casks, hampers or boxes), per foot	0	2
	Earthenware (in casks, hampers, or boxes), per foot	0	2
	Earthenware (in crates), per foot	0	1
	Eggs, per box	0	3
	Fish (dried and salted), per cwt.	0	3
25	Ditto, fresh (not enumerated), per cwt.	0	2
	Flax, per ton	2	0
	Flour and meal, per sack	0	4
	Ditto, per barrel	0	3
	Fruit, per bushel or sieve	0	4
30	Furniture (household), per 5 cubic feet	0	4
	Glass, per large crate	1	6
	Ditto, per small crate or case	1	0
	Ditto, per box	0	6
	Grains and seeds, per quarter	0	6
35	Groceries (not enumerated)	0	6
	Guano, per ton	1	6
	Gunpowder, per barrel or keg	0	6
	Hams, bacon, or tongues, per cwt.	0	4
	Hardware, per ton	2	6
40	Hares and rabbits, per dozen	0	4
	Hay, per ton	1	6
	Ditto, per truss	0	2
	Hemp, per ton	2	0
	Herrings (fresh), per 1,000	0	3
45	Ditto (cured), per barrel	0	3
	Hides:—		
	Ox, cow, or horse (wet or dry), each	0	2

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	s.	d.
Iron:—		
Bar, bolt, rod, and shots, per ton	1	6
Pig, and old, per ton	1	0
Manufactured, per ton	2	6
Pots, each	0	1
Kelp, per ton	2	0
Lead per ton	2	6
Leather, tanned and dressed, per cwt.	0	3
Lime, per 28 bushels	1	4
Limestone, per ton	1	0
Machinery, per ton	2	6
Manure (not enumerated) per ton	1	0
Masts and spars, 10 inches in diameter and upwards, each	4	6
Ditto, under 10 inches	3	0
Meat (fresh), per cwt.	0	6
Milk, per gallon	0	$0\frac{1}{2}$
Musical instruments, per cube foot	0	1
Nets, per 5 cube feet	0	4
Oakum, per cwt.	0	2
Oils, per ton	2	0
Oilcake, per ton	2	0
Oranges and lemons, per box	0	6
Ores, per ton	1	0
Oysters, per bushel	0	3
Paint, per cwt.	0	4
Pitch and tar, per barrel	0	6
Potatoes, per cwt.	0	2
Poultry and game, per dozen	0	4
Rags and old rope, per ton	2	0
Sails, per cwt.	0	6
Salt, per cwt.	0	1
Sand, per ton	1	0
Shrimp baskets, each	0	2
Skins:—		
Calf, goat, sheep, lamb, or dog, per dozen	0	6
Slates, per ton of 24 cubic feet	2	0
Spirits (Foreigh and British), per hogshead	1	0
Ditto, ditto, per gallon	0	1
Stones, per ton of 16 cubic feet	1	6
Steel, per ton	3	0
Sugar, per cwt.	0	3
Tallow, soap, and candles, per cwt.	0	3
Tea, per chest	1	0
Tiles, per 1,000	1	6
Tin and zinc, per ton	3	0
Tobacco, per cwt.	0	6
Turbot, per score	0	3

		s.	d.
	Turnips, per ton	0	6
	Turpentine and varnish, per barrel	0	6
	Turtle, each	2	6
5	Vegetables (not enumerated), per cwt.	0	4
	Vinegar, per hogshead	0	6
	Vitriol, per carboy	1	0
	Water, per cask	0	3
	Wine, per hogshead	1	0
10	Ditto (bottled), per dozen bottles	0	2
	Wood:		
	Fir, pine, and other descriptions not enumerated, per load of 50 feet	1	6
	Oak or wainscot, per load of 50 feet	2	0
15	Firewood, per 216 cubic feet fathom	1	6
	Laths and lathwood, per fathom of 216 cubic feet	2	6
	Handspikes, per 120	3	0
	Oars, per 120	5	0
	Spars, under 22 feet in length, above $2\frac{1}{2}$ and under 4 inches in		
20	diameter, per 120	5	0
	Ditto, $2\frac{1}{2}$ inches in diameter and under, per 120	4	0
	Ditto, 22 feet in length and upwards, and not exceeding 4 inches in diameter, per 120	9	0
	Ditto, above 4 and under 6 inches in diameter, per 120	14	0
25	Spokes of wheels, not exceeding 2 feet in length, per 120	2	0
	Ditto, exceeding 2 feet in length, per 120	3	0
	Treenails, per 1,000	2	6
	Wedges, per 1,000	2	6
	Pipe staves and others in proportion, per 120	2	6
30	Lignum vitæ, fustic, logwood, mahogany, and rosewood, per ton	2	0
	Wool, per cwt.	0	4
	Yarn, per cwt.	0	2

All other Goods not particularly enumerated above.

	Light goods, per cube foot	0	1
35	Heavy goods, per ton	2	0

In charging the rates on goods, the gross weight or measurement of all goods to be taken; and for any less weights, measures, and quantities than those above specified, a portion of the respective rates shall be charged.

40 III.—RATES FOR USE OF CRANES, WEIGHING MACHINES, AND SHEDS.

1*st. Rates of Craneage.*

	All goods of packages not exceeding 1 ton	0	4
	Exceeding 1 ton and not exceeding 2 tons	0	6
	Exceeding 2 tons and not exceeding 3 tons	0	8
45	Exceeding 3 tons and not exceeding 4 tons	0	10

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	s.	d.	
Exceeding 4 tons and not exceeding 5 tons	1	0	
Exceeding 5 tons and not exceeding 6 tons	1	2	
Exceeding 6 tons and not exceeding 7 tons	1	4	
Exceeding 7 tons and not exceeding 8 tons	1	6	5
Exceeding 8 tons and not exceeding 9 tons	1	10	
Exceeding 9 tons and not exceeding 10 tons	2	4	
Exceeding 10 tons	3	6	

2nd. Weighing Machine.

For goods weighed, for each ton or part of a ton	0	2	10

3rd. Shed Dues.

For each ton of goods of 40 cubic feet, or for each ton of goods of 20 cwt., which shall remain in the sheds or other works of the Pier for a longer time than 48 hours, the sum of *3d.*, and the sum of *1½d.* per ton for each day during which such goods shall remain after first 48 hours.			15
For any portmanteau, trunk, parcel, or other article of passengers' luggage, for each day or part of a day, per package	0	2	

IV.—RATES FOR SUPPLYING WATER ON PIER.

Water, per 1,000 gallons	10	0	20

V.—RATES ON PASSENGERS AND PROMENADERS USING THE PIER.

For every passenger or other person who shall land on the Pier from, or embark from it on board of, any ship, vessel, packet, or passage-boat, for each and every time any sum not exceeding	0	6	
For every person who shall use the Pier for the purpose of walking for exercise, pleasure, or any other purpose, except for embarking or disembarking, for each and every time any sum not exceeding	0	4	25
For every bath or sedan chair taken on the Pier, for each and every time not exceeding	0	6	30
For every perambulator	0	2	
For every master of any vessel, boat or wherry, being an inhabitant of the Parish of Hove, and using the said pier for the purpose of going to or returning from his own vessel, boat, or wherry, an annual sum not exceeding	20	0	35

VI.—RATES ON PASSENGERS LUGGAGE.

For every trunk, portmanteau, box, parcel, or other package within the description of luggage, not exceeding 28 lbs.	0	2	
Over 28 lbs. and not exceeding 84 lbs.	0	4	
Over 84 lbs. and not exceeding 112 lbs.	0	5	40
Over 112 lbs. and not exceeding 140 lbs.	0	6	

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	s.	d.
Over 140 lbs. and not exceeding 196 lbs.	0	7
Over 196 lbs. and not exceeding 2 cwt.	0	8
And for every cwt. beyond	0	4
And for every 20 lbs. weight in addition	0	1

GILLINGHAM.

Order for the maintenance and regulation of a Pier, Wharf, and Landing Place in the Parish of Gillingham in the County of Kent.

Board of Surveyors to be undertakers.

1. The Board for the repair of the Highways in the parish of Gillingham in the county of Kent, and their successors, in this Order called "The Board," shall execute and give effect to this Order, and be the undertakers of the works authorized by this Order.

Limits of authorities of Board.

2. The limits within which the Board shall have authority under this Order (which shall be deemed to be the limits to which this Order shall extend), shall comprise the Gillingham Pier, Wharf, and Landing Place, as constructed by the Lords Commissioners for executing the office of Lord High Admiral of Great Britain and Ireland, near to the eastern side of the new boundary wall of Her Majesty's dockyard at Chatham, and which pier, wharf, and landing place is or will become, under the provisions contained in "The Chatham Dockyard Act, 1861," vested in the Board (in the said Act called "The Board of Surveyors of the parish of Gillingham"), and also so much of the river Medway as lies within the distance of seven yards from any part of the same pier, wharf, or landing place.

Commissioners Clauses Act incorporated.

3. "The Commissioners Clauses Act, 1847," except the following sections, namely sections 6 to 55 inclusive, 92 to 95 inclusive, 110 and 111, shall be incorporated with this Order, and shall, so far as the nature of the case will admit, apply to the members of the Board collectively and severally, and the expressions "the Commissioners" and "the special Act" in that Act contained shall mean "the Board" and this order respectively.

Power to levy rates.

4. After obtaining possession of the pier, wharf, and landing place the Board may for the use of the same demand and receive in respect of the persons, vessels, cattle, goods, and things described in the schedule to this Order any sums not exceeding the rates in that schedule specified.

Power to borrow on mortgage.

5. The Board may from time to time borrow on mortgage, at interest on the security of the pier, wharf, and landing place and the rates authorized by this Order, or of either of them, any sums not exceeding in the whole the sum of £2,000, and any money borrowed under this Order and discharged otherwise than by means of the sinking fund in this Order mentioned may be reborrowed from time to time if required for the purposes of this Order.

Appointment of receiver.

6. The mortgagees of the Board may enforce the payment of arrears of interest or of principal and interest due on their respective mortgages by the

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appointment of a receiver. The amount to authorize a requisition for a receiver shall be £200.

Application of money borrowed.

7. The money borrowed under this Order shall be expended in making, building, and erecting cranes, warehouses, weighing machines, sheds, and wharfinger's house only.

Money to be applied only for purposes of order.

8. Every part of the money borrowed under this Order shall be applied only for the purposes authorized by this Order.

Application of rates.

9. The Board shall apply all the rates received under this Order for the purposes and in the order following, and not otherwise; that is to say,—

1. In paying the costs of and connected with the preparation and making of this Order.
2. In paying the expenses of the maintenance, repair, management, and regulation of the pier, wharf, and landing place, and the approaches thereto, and of any buildings and works within the limits of this Order, and all outgoings in respect thereof.
3. In paying year by year the interest accruing on money borrowed under this Order.
4. In paying the cost of the works authorized by this Order.
5. In payment of principal money borrowed, or in creating a sinking fund for that purpose, in the manner and, so far as the nature and circumstances of the case will admit, in the proportion specified by "The Commissioners Clauses Act, 1847."

Rates to be revised from time to time.

10. The Board shall from time to time revise the rates receivable under this Order, so that the income of the Board under this Order may always be as far as practicable sufficient, and not more than sufficient, to meet the expenditure directed or authorized by this Order.

Powers of this Order to be exercised as other powers of Board.

11. No rates or funds by law authorized to be levied by or otherwise vested in the Board, other than the money and rates which may be levied or received by them under this Order, shall be applicable for any purpose hereby authorized; but, subject to this restriction and the other provisions of this Order and the Acts incorporated herewith, the powers and functions hereby vested in the Board shall be exercised and carried into effect by them as part of their general powers and functions, and with and subject to the like privileges, indemnities, and regulations.

Rates not to be applied for highways.

12. No rates received under this Order shall be applied in the repair or improvement of any of the highways of the parish of Gillingham other than the approaches to the pier, wharf, and landing place.

Publication of printed accounts.

13. The Board shall send, in every year, to the Board of Trade their printed statement and account within seven days after the same shall have been first open for inspection, and shall also within such seven days cause one copy thereof at least to be posted in some conspicuous place within the limits of this Order, and shall keep the same so posted for one calendar month at least.

Clauses of Harbours Act not incorporated.

14. The following sections of "The Harbours, Docks, and Piers Clauses Act, 1847," shall not be incorporated with this Order, namely sections 6 to 19 inclusive, and sections 25 and 26.

15. Officers of Customs, being in the execution of their duty, shall at all times have free ingress, passage, and egress into, over, and from the pier, wharf, and landing place by land, and with their vessels, without payment. Officers of customs to have free access.

16. The Board shall have the appointment of meters and weighers on or in connexion with the pier, wharf, and landing place. Meters and weighers.

17. The Board shall at the outer extremity of their pier exhibit from sunset to sunrise such light, if any, as shall from time to time be directed by the Corporation of Trinity House Deptford Strond. Light to be exhibited.

18. Nothing in this Order shall prejudice or derogate from the rights, powers, liberties, jurisdictions, authorities, dues, franchises, and privileges of the Mayor and Corporation of the city of Rochester. Reservation of rights of Rochester Corporation.

19. This Order may be cited as "The Gillingham Pier Order, 1869." Short title.

Board of Trade, Whitehall,
Dated this 16th day of April 1869.

(Signed) C. Cecil Trevor,
Assistant Secretary.

SCHEDULE.

I. Rates on Passengers landing or embarking from the Pier, Wharf, or Landing Place.

	s.	*d.*
For every passenger who shall land on the said pier from or embark from it on board of any steam vessel, packet, or passage boat, not being an open boat, for each and every time any sum not exceeding - - - - - - - -	*0*	*0*½

II. Rates on Vessels using the Pier, Wharf, and Landing Place.

For every vessel under the burden of 15 tons, per ton - - -	*0*	*0*¾
For every vessel of the burden of 15 tons and upwards, per ton -	*0*	*1*

III. Rates on Meat, Cattle, and Goods, shipped or unshipped, received or delivered at the Pier, Wharf, and Landing Place.

1. *Meat.*

For every quarter of beef - - - - - - -	*0*	*1*½
For every carcass of mutton, veal, lamb, kid, or pork - - -	*0*	*1*
For every quantity of meat cut up of any weight not exceeding 28 pounds, free.		
Exceeding 28 pounds and not exceeding 56 pounds - - -	*0*	*1*
Exceeding 56 pounds and not exceeding 112 pounds - -	*0*	*1*½
Exceeding 112 pounds and not exceeding 224 pounds -	*0*	*2*
Exceeding 224 pounds and not exceeding 336 pounds - -	*0*	*2*½
If exceeding 336 pounds then for every 28 pounds or part of 28 pounds - - - - - - -	*0*	*0*½

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2. *Cattle.*

	s.	d.
Bulls, each	0	1½
Cows and Oxen, each	0	1
Calves, each	0	0¼
Horses, each	0	1
Asses, each	0	0½
Pigs, each	0	0¼
Goats, each	0	0½
Sheep, per score	0	3
Lambs, per score	0	1½

3. *Goods.*

Ale and porter, per hogshead	0	3
Ale and porter, per barrel bulk	0	1½
Apples and all other fruit, per bushel	0	0½
Bark or cutch, per ton	0	6
Barrels, empty, each	0	0¼
Battens, per 120	0	3
Beef or Pork, per ton	0	8
Beef or pork, per barrel	0	1
Binders, per 100	0	6
Block stone, per ton	0	2
Blubber, per ton, 250 gallons	0	6
Bone dust, per ton	0	4
Bones of cattle, per ton	0	3
Bottles, per gross	0	1
Brass, per 112 pounds	0	1
Breeze, per chaldron	0	1
Bricks, per 1,000	0	1½
Builders' plant, per ton	0	7
Butter, per firkin	0	0½
Cabbages, per 112 pounds	0	0½
Casks, empty, not being returned, package per puncheon	0	1
Other casks not enumerated in proportion	0	1
Cement, per ton	0	1½
Chalk, per ton	0	1½
Cheese, per ton	0	8
Chimney pots, per 100	0	8
Clay fire manufactured, per ton	0	3
Clay, common, per ton	0	1½
Cloth, haberdashery, &c., per barrel bulk	0	1
Coaches, viz.:		
Chaises and other four-wheeled carriages, each	0	4
Gigs, carts, and other two-wheeled carriages, each	0	3
Coals, viz.:		
Scotch, English, smithy, and culm, per ton	0	1½

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		s.	d.
	Coke, per chaldron	0	1½
	Copper, per 112 pounds	0	1
	Corks, per barrel bulk	0	1
	Corn, viz.:		
	Wheat, malt, barley, beans, pease, tares, oats, rye, buck-wheat, and Indian corn, per quarter	0	1
	Crystal, per barrel bulk	0	1½
	Deals, per 120	0	4
	Dissolved bones and other artificial manures, per ton	0	4
	Drain pipes, per ton	0	2
	Drapery, per package	0	0½
	Drugs, per barrel bulk	0	1½
	Earthenware, per crate	0	4
	Earthenware, per crib	0	2
	Eggs, per box	0	1
	Flax and hemp, per ton	0	8
	Flints, per ton	0	1½
	Flour, per sack	0	1
	Flour, per barrel	0	0¾
	Floor boards, per square	0	1
	Glass, per barrel bulk	0	1½
	Gravel, per ton	0	1½
	Granite, per ton	0	1½
	Groceries, viz.:		
	Almonds, figs, cinnamon, currants, pepper, pimento, plums, prunes, raisins, and the like, per barrel bulk	0	1½
	Guano, per ton	0	2
	Guns, per ton	0	1½
	Gunpowder, per barrel	0	1½
	Hardware, per barrel bulk	0	1½
	Hay, per ton	0	4
	Hides, viz.:		
	Ox, cow, or horse, salted or dried, per ton	0	8
	Calf skins, per 120	0	5
	Sheep skins, per 120	0	5
	Lamb skins, per 120	0	2½
	Hoops of wood, per 1,000	0	3
	Hops, per 112 pounds	0	1
	Hoops, iron, per ton	0	2
	Household furniture, per barrel bulk	0	0½
	Husbandry utensils, per ton	0	8
	Husbandry utensils, per barrel bulk	0	1
	Iron, viz.:		
	Bar, bolt, and rod, per ton	0	2
	Pig or old, per ton	0	2
	Kelp, per ton	0	2

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	s.	d.
Lead of all kinds, per ton	0	2
Leather, tanned and dressed, per ton	0	6
Lime, per yard	0	1½
Limestone, per ton	0	1½
Loam or moulding sand, per ton	0	1½
Machinery, per ton	0	7½
Machinery, per barrel bulk	0	1½
Mangold wurtzell and other roots, per ton	0	1½
Manure, per ton	0	1½
Fish for manure, per ton	0	1½
Mast or spars, per load of 50 feet	0	6
Meal, per bag of 280 pounds	0	1
Nails, per 112 pounds	0	0½
Oils, per ton	0	6
Oil or other seed cake, per ton	0	1½
Ores, viz.:—		
Copper, iron, lead, and other ores, per ton	0	2
Passengers' luggage, not exceeding 4 barrels bulk free, all above 4 barrels bulk, per barrel bulk	0	1½
Peats, per ton	0	1½
Planks, per 120	0	6
Potatoes, per ton	0	1½
Rags of all kinds, and old ropes, per ton	0	2
Ragstone, per ton	0	1½
Rape and oil cakes, per ton	0	1½
Rope coil, per 112 pounds	0	0½
Sand, per ton	0	1½
Salt in bulk, per ton	0	1½
Seeds of all kinds not enumerated, per quarter	0	1
Shingle, per ton	0	1½
Skins, seal, per 120	0	3
Slates under size, per 1,200	0	4½
Slates, sizeable, per 1,200	0	5
Slates, over size, per 1,200	0	6
Soap, per 112 pounds	0	0½
Spirits, Foreign and British, per hogshead of 56 gallons	0	4
Spokes, per 100	0	0½
Stones, viz.:—		
Rubble, per ton	0	1½
Ashlar freestone, per ton	0	2
Pavement, per ton	0	2
Scythe stones, per score	0	0½
Mill stones, each	0	6
Gravestones, each	0	3
Grindstones, each	0	2
Steel, per ton	0	2

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		s.	*d.*
	Straw, per ton	*0*	*3*
	Sugar, per ton	*0*	*4*
	Tallow, per 112 pounds	*0*	*0½*
5	Tar, pitch, rezin, per barrel	*0*	*1*
	Tea, per chest	*0*	*1½*
	Timber, per load	*0*	*6*
	Tiles for roofing, per 1,000	*0*	*2*
	Tiles or pipes for land draining, per 1,000	*0*	*2*
10	Tin of all kinds, per ton	*0*	*8*
	Tobacco, per ton	*0*	*8*
	Treenails under 2 feet in length, per 1,000	*0*	*3*
	Treenails exceeding 2 feet in length, per 1,000	*0*	*6*
	Turpentine, per hogshead	*0*	*4*
15	Vinegar, per hogshead	*0*	*3*
	Vitriol, per carboy	*0*	*1*
	Whalebone, per ton	*1*	*3*
	Wine, per hogshead	*0*	*4*
	Wine, bottled, per barrel bulk	*0*	*2*
20	Wood, viz.:—		
	Fir, pine, and other descriptions not enumerated, per load of 50 feet	*0*	*6*
	Oak or wainscot, per load of 40 feet	*0*	*6*
	Firewood, wood, or burnwood, per fathom	*0*	*3*
25	Laths and lathwood, per fathom of 216 cubic feet	*1*	*3*
	Handspikes, per 120	*0*	*5*
	Oars, per 120	*1*	*3*
	Spars under 22 feet in length, above 2½ and under 4 inches diameter, per 120	*0*	*6*
30	Spars, of all lengths, above 4 and under 6 inches diameter, per 120	*2*	*6*
	Spars, 2½ inches in diameter and under, per 120	*0*	*3*
	Pipe staves, per standard hundred	*0*	*6*
	Herring barrel stave, per 1,000 feet	*0*	*4½*
35	Lignum vitæ, fustic, logwood, mahogany, and rosewood, per ton	*0*	*8*
	Wool, per 112 pounds	*0*	*1*
	Yarn, per ton	*0*	*3*
	Zinc, per ton	*0*	*2*
	All other goods not particularly enumerated in the above table, viz.:—		
40	Light goods, per barrel bulk	*0*	*1*
	Heavy goods, per ton	*0*	*6*

In charging the rates on goods, the gross weight or measurement of all goods to be taken; and for any less weights, measures, and quantities than those above specified, a proportion of the 45 respective rates shall be charged.

Five cubic feet not exceeding two and a half hundredweight to be rated as a barrel bulk.

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IV.—RATES FOR THE USE OF SHEDS, WAREHOUSES, CRANES, AND WEIGHING MACHINES.

1. *Sheds and Warehouses.*

For each ton of goods of 8 barrels bulk, or of each ton of goods of twenty hundredweight, which shall remain in any shed or on the pier for a longer time than 48 hours, the sum of 3*d.*, and the sum of 1½*d.* per ton for each day during which such goods shall remain after the first 48 hours.

2. *Cranes.*

	s.	*d.*
All goods or packages not exceeding one ton - - -	0	3
Exceeding one ton, and not exceeding two tons, at per ton -	0	4
Exceeding two tons, and not exceeding three tons, at per ton -	0	6
Exceeding three tons, and not exceeding four tons, at per ton -	0	8
Exceeding four tons, and not exceeding five tons, at per ton -	0	10
Exceeding five tons, and not exceeding six tons, at per ton -	1	0
Exceeding six tons, and not exceeding seven tons, at per ton -	1	2
Exceeding seven tons, and not exceeding eight tons, at per ton	1	4
Exceeding eight tons, and not exceeding nine tons, at per ton -	1	8
Exceeding nine tons, and not exceeding ten tons, at per ton -	2	0
Exceeding ten tons, at per ton - - - -	3	0

3. *Weighing Machines.*

For goods weighed, for each ton or part of a ton - - -	0	1

ILFRACOMBE.

Order for the Improvement, Maintenance, and Regulation of the Harbour of Ilfracombe, in the County of Devon.

Undertakers.

1. Sir Bourchier Palk Wrey, of Tawstock, in the county of Devon, baronet, his heirs and assigns, or other the person and persons from time to time entitled to the possession or receipt of the rents and profits of the lands and works to which this Order relates, shall be the Undertakers for the purposes of this Order, and shall have and may exercise the several powers, privileges, and authorities by this Order conferred on the undertakers, and may carry this Order in all respects into execution.

Repeal of local Act, except as to rates.

2. The Act passed in the fourth year of his late Majesty King George the second, intituled "An Act for repairing and keeping in repair the pier and harbour of Ilfordcombe in the county of Devon," in this order called "The Local Act," shall, except so far as regards the levying of the rates, tolls, and dues thereby authorized to be levied, be, and the same Act, except as aforesaid, is hereby repealed on and after the first day of October next after the passing of the Act confirming this Order.

3. The rates, tolls, and dues by the Local Act authorized may continue to be demanded and received as heretofore until the time appointed by this Order for ceasing to levy such rates, tolls, and dues. Old rates to continue till new rates leviable.

4. For the purposes of the works authorized by this Order, the Undertakers, from time to time, by agreement, may appropriate or may enter upon and take and may use such of the lands or foreshore shown on the plans deposited for the purposes of this Order as they think expedient. Power to take lands.

5. "The Lands Clauses Consolidation Act, 1845," except so much thereof as relates to the purchase and taking of lands otherwise than by agreement, and "The Lands Clauses Consolidation Acts Amendment Act, 1860," shall be incorporated with this Order. Incorporation of Lands Clauses Acts.

6. Subject to the provisions of this Order, and subject also to such alterations (if any) in the plans deposited for the purposes of this Order as the Board of Trade may require from time to time before the completion of the works, in order to prevent injury to navigation, the Undertakers may maintain and improve the existing harbour and works, and may execute, make, and maintain on the lands or foreshore appropriated by them for the purposes of this Order, the works by this Order authorized; and, so far as the same are shown on the plans and sections deposited for the purposes of this Order, may make the same in the lines and according to the levels, and within the limits of deviation, shown on the plans and sections deposited for the purposes of this Order. Power to execute works.

7. The works which by this Order the Undertakers are authorized to execute, make, and maintain comprise the following, with all necessary warehouses, offices, sheds, weighing machines, landing places, roads, approaches, cranes, and other works and conveniences connected with the landing of passengers, goods, and merchandize, and the improvement and repair of the existing harbour and lighthouse:— Description of works.

(1.) The widening of the existing quay on the south side thereof, from the slip in front of the Britannia Hotel at the point marked (A) on the plans and sections deposited for the purpose of this Order, to the present pier in front of the Pier Hotel at the point marked (B) in the said plans and sections, by filling up a portion of the existing harbour in front of and abutting on such quay.

(2.) The construction of a quay or pier in an easterly direction from the south-east corner of the present quay near "the Golden Lion Hotel," at the point marked (C) on the said plans and sections, in a straight line to the east end of Warp House Quay, adjoining the present line of steps at the end of the same quay, at the point marked (D) on the same plans and sections.

(3.) The clearance and removal of all rock, stone, and other obstructions outside the proposed line of quay.

(4.) The erection of a jetty in a semicircular form at the east end of the said Warp House Quay, from the point marked (D) to the point marked (E) in the said plans and sections.

8. The limits within which the Undertakers shall have authority, and which shall be deemed the limits to which the provisions of this Order extend, shall Limits of harbour.

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comprise the area defined by an imaginary straight line drawn from a point distant 200 yards northward from the northern wall of the Britannia Hotel, and extending in an easterly direction from the aforesaid point to a point 100 yards northward from the north-east point of Rapparree Cove, and then southward 130 yards from the said north-east point of Rapparree Cove, and by a line 120 yards long drawn in a westerly direction from the southern end of the last-mentioned line, joining the limit of deviation, defining the extent of the harbour landward, as shown on the deposited plans.

Power to levy rates.

9. Subject and according to the provisions of this Order, the Undertakers may, for the use of the harbour and works to which this Order relates, demand and receive in respect of vessels, passengers, goods, merchandize, fish, animals, and things described in the Schedule to this Order, any rates or duties not exceeding the several sums in that Schedule specified.

Recovery of dues.

10. Dues on a vessel may be recovered by action in any court of competent jurisdiction from the owner or any part owner or skipper thereof, or from the consignee or owner of the goods therein, and this provision shall be without prejudice to the powers of the Undertakers under section 44 of the "Harbours, "Docks, and Pier Clauses Act, 1847."

Customs officers.

11. Officers of Customs, being in the execution of their duty, shall at all times have free ingress, passage, and egress on, into, along, through, and out of the quay, piers, harbours, and works by land, and with their vessels and otherwise, without payment.

Certain fishing vessels under stress of weather exempt from rates.

12. Fishing vessels belonging to countries with which for the time being treaties exist, exempting from duties and port charges such vessels when forced by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom, shall, when forced by stress of weather to make use of the piers or harbour to which this Order relates, and not breaking bulk while making use thereof, be exempt from rates leviable under this Order.

Application of rates and income.

13. The rates and duties and other income received under this Order shall be applied for the purposes and in the Order following, and not otherwise:

(1.) In paying the expenses of and connected with the applying for, obtaining, and making of this Order:

(2.) In paying the expenses of the maintenance, repair, management, and regulation of the harbour, lighthouse, and works:

(3.) In paying, year by year, the interest of any money borrowed under this Order, or otherwise under this Order becoming a charge on the rates and duties authorized by this Order:

(4.) In paying the cost of executing, maintaining, and repairing such other works, buildings, sheds, warehouses, wharves, jetties, cranes, and conveniences as are authorized by this Order:

(5.) In creating a sinking fund for the repayment of the principal of money borrowed under this Order, or otherwise under this Order becoming a charge on the rates and duties authorized by this Order, in the manner, and, so far as the circumstances of the case will admit, in the proportion specified by "The Commissioners Clauses Act, 1847:"

(6.) In the further general improvement of the harbour.

A.D. 1869.

Commencement of rates under this Order.

14. When and so soon as it shall be certified in writing under the hand of an officer to be appointed for the purpose by the Board of Trade that the works authorized by this Order have been so far completed as to afford proper accommodation for the landing and embarking of passengers and goods, the Undertakers may, although the whole of the works authorized by this Order shall not then have been completed, demand and receive the rates and duties authorized by this Order.

Old rates to cease.

15. When and so soon as the rates and duties authorized by this Order can, under the provisions of this Order, be demanded and received, then and thenceforth all rates, tolls, and dues authorized by the Local Act shall cease to be levied.

As to charges on old rates.

16. Any person or persons having, at the time of the passing of the Act confirming this Order, any charge on the rates, tolls, or dues authorized by the Local Act for securing money borrowed under the Local Act, shall, from and after the time when under this Order rates, tolls, and dues under the Local Act cease to be levied, have, in priority to every security made for monies borrowed under this Order, the like charge and security on the rates and duties authorized by this Order as such person or persons had on the rates, tolls, and dues authorized by the Local Act at the time when the same ceased to be levied.

Power to borrow.

17. The Undertakers may from time to time borrow at interest such money as may be required for the purposes of this Order, not exceeding in the whole six thousand pounds, on mortgage of the harbour, land, and works, and the property connected therewith, and the rates and duties authorized by this Order; and any money which, under the provisions of this Order, shall become charged on the rates authorized by this Order, and shall be discharged otherwise than by means of the sinking fund in this Order mentioned, may be reborrowed, if required, for the purposes of this Order, and so toties quoties.

Application of money borrowed.

18. Every part of the monies borrowed under this Order shall be applied only for the purposes of this Order.

Commissioners Clauses Act as to mortgages incorporated.

19. The provisions of "The Commissioners' Clauses Act, 1847," with respect to the mortgages to be executed by the Commissioners, shall be incorporated with this Order, except so much thereof as relates to the appointment of a receiver at the expiration of one calendar month after the time appointed for payment of any interest.

Appointment of receiver.

20. The mortgagees of the Undertakers may enforce payment of the arrears of interest, or of principal and interest, due on their respective mortgages, by the appointment of a receiver, at the expiration of three calendar months from the time limited for such payments respectively, and the amount necessary to authorize a receiver is one thousand pounds in one or more mortgages, bonds, or debentures.

Clauses of Harbours Act not incorporated.

21. The following provisions of "The Harbours, Docks, and Piers Clauses Act, 1847," shall not be incorporated with this Order, namely, sections Nos. 14 to 20 (both inclusive).

A.D. 1869.

Tickets for use of pier.

22. The Undertakers may grant to passengers, promenaders, and others tickets for the use of the piers and jetty, or the extension thereof authorized by this Order, on such terms and for such periods not exceeding one year as are agreed on, but so that no preference be given to any person.

Tickets not transferable.

23. A pass ticket granted by the Undertakers shall not be transferable, and shall not be used by any person other than the person for whom it is granted, or by any person after the period limited for its use.

Penalty for using false tickets.

24. If any person acts in any way in contravention of the last preceding provision, or uses or attempts to use any false or counterfeit pass ticket, every person so offending shall for every such offence be liable to a penalty not exceeding twenty shillings, recoverable and applicable as penalties are recoverable and applicable under "The Harbours, Docks, and Piers Clauses Act, 1847."

Meters and weighers.

25. The Undertakers shall have the appointment of meters and weighers within the limits of the Harbour, and also the appointment of crane attendants and quay porters, in like manner and under the same regulations as meters and weighers.

Steam engines, lighters, &c.

26. The Undertakers may provide such steam engines, steam vessels, piling engines, diving bells, ballast lighters, rubbish lighters, and other machinery and vessels, as they think necessary for the purposes of this Order, and may demand and take such sums for the use of the same as they think reasonable.

Pilotage, lights, &c.

27. The Undertakers shall be a pilotage authority within the meaning of "The Merchant Shipping Act, 1854," and Acts amending the same, and shall have all the powers conferred by those Acts on pilotage authorities.

Existing rights reserved.

28. Except so far as otherwise expressly provided by this Order, nothing in this Order contained shall be construed to interfere in any way with any existing rights in the present Harbour and Works, or the lands or foreshore adjoining the same.

Light to be exhibited if required.

29. The Undertakers shall, at the outer extremity of the Pier and Works authorized by this Order, exhibit from sunset to sunrise such light (if any) as shall from time to time be directed by the Corporation of Trinity House Deptford Strond.

Rights of corporation of Bridgewater reserved.

30. This Order shall not take away or diminish any of the ancient rights, privileges, or immunities of the Corporation of Bridgwater.

Saving as to Board of Trade.

31. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade by "The Crown Lands Act, 1866," nor shall any Works, under this Order be commenced within limits affected by any such rights, interests, powers, authorities, or privileges, without the consent of the Board of Trade having been first obtained.

Short title.

32. This Order may be cited as "The Ilfracombe Harbour Order, 1869."

Board of Trade, Whitehall.
Dated this 21st day of April 1869.

(Signed) C. Cecil Trevor,
Assistant Secretary.

Schedule to which the foregoing Order refers.

1.—Tonnage Duties.

	s.	d.
For all vessels belonging to the Harbour of Ilfracombe, entering the limits of the said Harbour for whatever purpose, per register ton -	0	1
For all vessels putting in wind bound or otherwise, and not loading or unloading, per register ton - - - - - -	0	1
For all other vessels entering the limits of the Harbour to load or discharge cargo, or to land passengers from or to any port in the United Kingdom, per register ton, not exceeding - - -	0	3
For all vessels from or to foreign ports, discharging or unloading in the Harbour, per register ton - - - - -	0	4
For every skiff, trawler, or other boat, not exceeding 15 tons register, each time of entering the limits of the Harbour - - -	1	0
Above 15 tons register to be charged according to tonnage dues for vessels wind bound, per ton - - - - -	0	1
Yawls and all other open boats every time of entering the limits of said Harbour - - - - - - - -	0	8
Trawlers belonging to Ilfracombe, for one year - - -	4	4
Open boats belonging to Ilfracombe, for one year, payable in advance -	2	2
For all vessels belonging to Ilfracombe, laying up in the Harbour for any time or portion of time not exceeding twelve months - -	4	4
For all other vessels laying up in the Harbour for any time or portion of time not exceeding six months - - - - -	6	8
After that time, per register ton per month, the sum of - -	0	1
For every ton of ballast taken in or discharged within the limits of the Harbour, per ton - - - - - -	0	2

2.—Rates on Goods shipped or unshipped within the Limits of the Harbour.

Ale, beer, and porter, per butt or pipe - - - -	1	0
„ hogshead - - - - -	0	6
„ barrel - - - - -	0	4
„ kilderkin - - - - -	0	2
„ firkin - - - - - -	0	1
Apples or pears, per cwt - - - - - -	0	3
Bacon or pork - - - - - - -	0	2
Bags empty, per score - - - - - -	0	2
Beef or pork, per tierce - - - - - -	0	4
„ „ barrel - - - - - -	0	2
Biscuits, per cwt. - - - - - -	0	2
Bottles, empty, per gross - - - - -	0	6
Bricks, common, per thousand - - - -	1	0
Fire or scouring, „ - - - - -	1	6
Canvas, per bolt - - - - - -	0	2

A.D. 1869.

	s.	d.
Carriage and four-wheeled chaises, each	2	0
Gigs, carts, and other two-wheeled carriages	1	6
Cattle :—		
Bulls, cows, steers, heifers, and oxen, each	1	0
Calves	0	6
Horses and ponies	1	6
Donkeys and mules	1	0
Pigs	0	2
Sheep and lambs	0	2
All other animals, not enumerated	0	2
Coals, per ton	0	6
Cement „	1	0
Corn and meal, of every description, per quarter	0	4
Clover seed, per cwt.	0	2
Dogs, each	0	4
Earthenware, per large crate	1	0
„ „ small „	0	6
„ „ case	1	0
Felt, per cwt.	0	2
Flour, per sack	0	3
„ „ barrel	0	2
Fruit, per basket	0	3
Furniture, per ton—40 cubic feet	1	0
Ginger beer, per dozen	0	1
Glass, per crib, crate, or case	0	4
Groceries of all kinds, per ton	1	6
Granite, rough „ „	1	0
„ worked	2	0
Grates and stoves, per cwt.	0	3
Guano, per ton	1	0
Gunpowder, per cwt.	0	3
Hand carts and perambulators, not exceeding	0	6
Haberdashery, per cwt.	0	2
„ in boxes, per foot	0	1
Herrings per barrel	0	2
Other cured fish, per cwt.	0	2
Iron, per ton	0	8
Iron castings and hoops, per ton	1	0
Lead, per ton	1	0
Leather, tanned, per cwt.	0	3
Lemonade, per dozen	0	2
Limestone, per ton	0	2
„ for agricultural purposes	0	1
Manures, artificial, &c.	1	0
Marble blocks, per ton	1	6
„ worked	2	6

A.D. 1869.

	s.	d.
Oranges and lemons, per box	0	2
„ „ „ chest	0	3
Potatoes, per ton	0	8
Porlock pebbles, per ton	0	2
Soda, per ton	1	0
„ water, per dozen	0	2
Spirits and wines:—		
Per hogshead	1	0
Gallon	0	1
Stones:		
Healing, per ton	0	8
Flooring „	0	4
Curb and ashlar „	0	3
Bath stone „	0	4
All stones not above mentioned	0	4
Soap, per ton	1	0
Sugar of all kinds, per ton	1	6
Tobacco, per cwt.	0	4
Vegetables, per barrel	0	2
„ „ crate	0	4
Vinegar, per hogshead	0	6
Wood of all kinds, per ton of 40 cubic feet	0	8
For all goods, wares, merchandize, or other commodities not enumerated in the foregoing schedule, per ton of 40 cubic feet, or ditto of 20 cwt.	0	8
In charging the rates on goods the gross weight or measurement shall be taken. No article to be landed or embarked without paying a charge of at least one penny	0	1

III.—Rates for the Use of Cranes, Weighing Machines, and Sheds.

1st.—*Rates of Craneage.*

All goods not exceeding a ton	0	4
Exceeding 1 ton and not exceeding 2 tons	0	6
„ 2 „ „ 3 „	0	8
„ 3 „ „ 4 „	0	10
„ 4 „ „ 5 „	1	0

2nd.—*Weighing Machines.*

For goods weighed, for each ton or part of a ton, any sum not exceeding	0	6

3rd.—*Shed Dues.*

For each ton of goods of 40 cubic feet, or for each ton of 20 cwt., which shall remain in the sheds or other works of the pier for a longer time than 48 hours, the sum of *3d.*, and a further sum of $1\frac{1}{2}d.$ per ton for each day during which such goods shall remain after the first 24 hours

A.D. 1869.

	s.	*d.*
For any portmanteau, trunk, parcel, or other article of passengers' luggage, for each day or part of a day, per package - - -	*0*	*2*

IV.—RATES ON PASSENGERS AND PROMENADERS.

For every passenger or other person who shall land from or embark on board of any steam or other vessel or boat in or upon any of the quays, piers, or landing places, any sum not exceeding - -	*0*	*4*
For every person who shall use the piers or jetty, or any part thereof, for the purpose of walking, for exercise, pleasure, or any other purpose, except for embarking or disembarking, for each and every time, any sum not exceeding - - - - -	*0*	*2*
For every bath or sedan chair taken on the piers or jetty, for each and every time, any sum not exceeding - - - -	*0*	*3*
For every perambulator - - - - -	*0*	*2*
For any hackney carriage standing for hire, per day - -	*0*	*6*
For every master of any vessel, boat, or wherry, being an inhabitant of the parish of Ilfracombe, and using the said pier for the purpose of going to or returning from his own vessel, boat, or wherry, an annual sum not exceeding 5*s.*, payable in advance - - -	*5*	*0*

V.—RATES ON PASSENGERS' LUGGAGE.

For every trunk, portmanteau, box, parcel or other package within the description of luggage, shipped or unshipped at or within the harbour or works, not exceeding 28 lbs. - - - - -	*0*	*1*
Over 28 lbs., and not exceeding 84 lbs. - - -	*0*	*2*
„ 84 „ „ 112 „ - - - -	*0*	*3*
„ 112 „ „ 140 „ - - -	*0*	*4*
„ 140 „ „ 196 „ - - - -	*0*	*5*
„ 196 „ „ 2 cwt. - - - -	*0*	*6*
And for every cwt. beyond - - - - - -	*0*	*3*
And for every 20 lbs. weight in addition - - - -	*0*	*1*

ROSSLARE.

Order for the construction, maintenance, and regulation of a Pier and Harbour at Rosslare, in Greenore Bay, in the County of Wexford.

Incorporation of Commissioners.

1. There shall be a body of Commissioners for carrying this Order into execution, not exceeding in number seven, which Commissioners and their successors are hereby for the purposes of this Order incorporated by the name of "The Rosslare Harbour Commissioners," and by that name shall be a body corporate, with perpetual succession, and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes,

but subject to the restrictions of this Order (which Commissioners are in this Order called "the Commissioners").

Appointment of the several Commissioners.

2. The appointment of Commissioners shall be regulated as follows:—

(1.) The mayor of the borough of Wexford for the time being shall, as such, be a Commissioner.

(2.) The person for the time being representing the borough of Wexford in the Commons House of Parliament, shall, as such, be a Commissioner.

(3.) The Board of Trade may, if they think fit, appoint a person to be a Commissioner, and whenever a vacancy is caused by death, resignation, or otherwise, in the office of that Commissioner, they may, if they think fit, appoint another person to fill the vacancy, and so toties quoties.

(4.) The Waterford and Wexford Railway Company, acting by their Directors, shall, as soon as may be after the passing of the Act confirming this Order, appoint, from among the directors or other shareholders of the company, three persons to be Commissioners, and whenever a vacancy is caused by death, resignation, or otherwise, in the office of any one of those three Commissioners, that company, acting by their directors, shall appoint from among the directors or other shareholders of the company another person to fill the vacancy, and so toties quoties: Provided that each appointment of a Commissioner by the directors shall be determinable at any time by the company.

(5.) The Commissioners of Wexford Harbour shall, as soon as may be after the confirmation of this Order, appoint from among themselves a person to be a Commissioner, and whenever a vacancy is caused by death, resignation, or otherwise, in the office of that Commissioner, they shall appoint from among themselves another person to fill the vacancy, and so toties quoties.

Incorporation of parts of 10 & 11 Vict. c. 16.

3. "The Commissioners Clauses Act, 1847," (except sections 17 to 35 both inclusive) is hereby incorporated with this Order, and the same shall, as far as the nature and circumstances of the case will admit, apply to the Commissioners collectively and severally, subject to the following provisions:—

(1.) With reference to section 39 of this Act, the prescribed number (constituting a quorum) of the Commissioners shall be three

(2.) The Board of Trade shall, from time to time, appoint a permanent auditor of the accounts of the Commissioners, and fix the salary to be paid to him, and such salary shall be paid to him accordingly by the Commissioners out of the rates levied under this Order.

Commencement of powers.

4. The Commissioners shall be deemed fully constituted, and shall begin to act under this Order, as soon as two persons have been appointed Commissioners in addition to the two ex-officio Commissioners, and any proceeding of the Commissioners shall not be invalidated or be illegal by reason of the non-appointment of or any informality in the appointment of a Commissioner.

Undertakers.

5. The Commissioners shall be the undertakers of the works authorized by this Order.

A.D. 1869.

Interpretation of deposited plans, &c.

6. The plans and sections deposited for the purposes of this Order, at the office of the Clerk of the Peace for the county of Wexford and elsewhere, are in this Order referred to as the deposited plans and sections.

Power to take lands by agreement.

7. The Commissioners may from time to time, by agreement, enter on, take, and use such of the lands shown on the deposited plan, within the limits of deviation thereon marked, as they from time to time require for the purposes of this Order.

Incorporation of Lands Clauses Acts.

8. "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," except so much thereof respectively as relates to the purchase and taking of lands otherwise than by agreement, are hereby incorporated with this Order.

Power to execute works.

9. Subject to the provisions of this Order, and subject also to such alterations (if any) in the deposited plans or sections, as the Board of Trade require from time to time, before the completion of the works, in order to prevent injury to navigation, the Commissioners may, on the site designated by this Order, and according to the deposited plans and sections, and within the limits of deviation shown on those plans, execute and maintain the works shown on the deposited plans.

Description of works.

10. The works authorized by this Order comprise the following:—

(1.) A causeway, with retaining walls, extending seaward in a northerly direction from a point on the shore near high-water mark, for a distance of one hundred and forty-eight yards or thereabouts.

(2.) An open viaduct, extending in a northerly direction for three hundred and thirty yards from the seaward end of that causeway:

(3.) A pier, extending into the sea from the north end of that viaduct, and, after a curve to the westward for one hundred and seventy yards or thereabouts, continuing straight in a north-westerly direction for one hundred and eighty yards or thereabouts:

(4.) Wharves or landing places for enabling vessels to land and embark passengers, merchandise, cattle, coals, and other goods in the harbour:

together with all quays, jetties, approaches, warehouses, sheds, buildings, and other conveniences requisite for the use of the pier and works.

Limits of Commissioners powers.

11. The limits within which the Commissioners shall have authority (which shall be deemed the limits to which this Order extends) shall be the areas following; that is to say:

(A.) An area bounded by the following lines; namely,—

(1.) The line of the eastward and northward side of the causeway viaduct and pier from high-water mark till it intersects line No. 2.

(2.) So much of an imaginary straight line drawn from Carrick Perch touching the northward side of the pier as lies between the point of contact and line No. 3.

(3.) So much of an imaginary straight line drawn north-east by north (true) from Kilscoran Church as lies between line No. 2 and high-water mark on the shore.

(4.) The line of high-water mark on the shore between lines No. 1 and No. 3.

(B.) All the area below high-water mark on the eastward and northward side of the causeway viaduct and pier lying within a distance of 200 yards therefrom on the eastward and northward side thereof.

Rates in schedules.

12. Subject and according to the provisions of this Order the Commissioners may, for the use of the pier, harbour, and works, demand and take in respect of the vessels, persons, fish, animals, goods, and things described in the schedules to this Order, any sums not exceeding the several rates therein specified.

Commencement of rates.

13. Notwithstanding anything in any Act incorporated with this Order, the Commissioners may begin to demand and receive rates under this Order for the use of the pier and harbour as soon as it is certified, under the hand of a competent and impartial inspector appointed by the Board of Trade to inquire and report for the purpose, that the Commissioners have completed such portions of the pier and harbour works authorized by this Order as will afford convenient accommodation for the landing and embarking of passengers and goods, although all the works authorized by this Order are not completed. The inspector so appointed shall receive out of the rates levied under this Order such sum as the Board of Trade shall direct, and the same shall be paid by the Commissioners accordingly.

Certain fishing vessels under stress of weather exempt from rates.

14. Fishing vessels belonging to countries with which for the time being treaties exist exempting from duties and port charges such vessels when forced by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom, shall, when forced by stress of weather to make use of the pier and harbour authorized by this Order and not breaking bulk while making use thereof, be exempt from rates leviable under this Order.

Custom house officers exempt from rates.

15. Officers of customs being in the execution of their duty shall at all times have free ingress, passage, and egress on to, through, over, and from the pier, harbour, and works by land, and with their vessels, and otherwise without payment.

Remuneration of Commissioners.

16. The Commissioners may receive as remuneration for their services an annual sum not exceeding such an amount as shall from time to time be approved of by the Board of Trade, such annual sum shall be paid only out of the rates and other income received under this Order and not out of any other money, and shall be divided between the Commissioners as they from time to time determine among themselves.

Borrowing powers.

17. The Commissioners may, from time to time, borrow on mortgage such money as may be required for the purposes of this Order not exceeding in the whole the sum of eighty-five thousand pounds, on the security of the harbour and of the lands, works, and property connected therewith, and of the rates authorized by this Order, or of any of those particulars, or of any other property of the Commissioners.

Application of money borrowed.

18. The Commissioners shall apply all money borrowed by them under this Order for the purposes and in the order following; that is to say,

(1.) In payment of the costs of and connected with the preparation and making of this Order.

(2.) In paying the cost of the works authorized by this Order.

A.D. 1869.

Application of money borrowed.

19. Every part of the money borrowed under this Order shall be applied only for the purposes authorized by this Order.

Re-borrowing.

20. Any money borrowed under this Order, and discharged, otherwise than by means of a sinking fund or by instalments, may be re-borrowed, if required, for the purposes of this Order, and so toties quoties.

Receiver.

21. The mortgagees of the Commissioners may enforce the payment of arrears of interest, or of arrears of principal and interest, due to them on their respective mortgages, by the appointment of a receiver; and the amount to authorize a requisition for a receiver is eight thousand five hundred pounds.

Application of rates and moneys received by the Commissioners.

22. The Commissioners shall apply all money received by them from rates authorized by this Order, and all other income coming to their hands from the pier, harbour, and works authorized by this Order, or the lands or property connected therewith, for the purposes and in the order following, and not otherwise:—

(1.) In paying the expenses of the collection and receipt of rates and income the salary payable to the auditor and the sum payable to any inspector appointed by the Board of Trade, and the expenses of the maintenance, repair, management, and regulation of the pier, harbour, and works.

(2.) In paying year by year the interest accrued due on money borrowed under this Order:

(3.) In, from time to time, providing the instalments or creating a sinking fund for the repayment of money borrowed, in such manner, so far as circumstances will admit, that all money borrowed may be discharged within 50 years from the time of borrowing:

(4.) In paying any remuneration to the Commissioners properly payable under this Order:

(5.) In paying the cost of the works authorized by, and of lands or property acquired for the purposes of this Order, and the other expenses incurred for purposes authorized by this Order.

Commissioners to furnish accounts to Board of Trade.

23. The Commissioners shall, in the month of January in every year, furnish to the Board of Trade a statement, in such form as the Board of Trade from time to time direct, showing the income, expenditure, credits and liabilities, of the Commissioners, in and for the then last preceding year, and the total amount of capital expended by the Commissioners up to the expiration of that year.

Rates to be revised from time to time.

24. The Commissioners shall, from time to time, if required by the Board of Trade, revise the rates, tolls, and dues receivable under this Order, so that the income of the Commissioners under this Order may always be as far as practicable sufficient, and not more than sufficient, to meet the expenditure directed or authorized by this Order.

Power to dredge, &c.

25. The Commissioners, from time to time, may dredge and deepen Greenore, Ballygeary, or South Bay within the limits to which this Order extends, and may place and maintain moorings and buoys within those limits, and do all such lawful acts as they think necessary or proper for preventing

or removing obstructions or impediments therein, and generally for preserving and facilitating the navigation within those limits; and the soil, gravel, and other materials dredged up or removed within those limits shall become and be the property of the Commissioners, who may, from time to time, sell or otherwise dispose of the same, or remove and lay down the same within those limits, and afterwards, from time to time, again take up and remove and sell, or otherwise dispose of the same; and all money arising therefrom, after payment of the expenses connected therewith, shall be applied as rates received under this Order are applicable.

Commissioners may provide engines, lighters, &c.

26. The Commissioners may, for purposes of works authorized by this Order or other purposes of this Order, from time to time purchase, lease, hire, or otherwise provide such steam or other dredges, steam or other engines, steam tugs, steam or other vessels, diving bells, piling engines, dredging machines, ballast lighters, rubbish lighters, tools, plant, machinery, and things as they think fit, and may let the same for use, and may demand and receive for the use thereof such sums as they think reasonable.

Lights, buoys, and beacons.

27. The Commissioners shall be a local authority within the meaning of "The Merchant Shipping Act, 1854," and the Acts amending the same, and shall have all the powers conferred by those Acts on local authorities.

Meters and weighers.

28. The Commissioners shall have the appointment of meters and weighers on or in connexion with the pier and works.

Lands for extraordinary purposes.

29. The Commissioners shall not acquire for extraordinary purposes lands exceeding in extent in the whole three acres.

Confirmation of byelaws, and provision for management of harbour.

30. Byelaws made under this Order and "The Harbours, Docks, and Piers Clauses Act, 1847," shall not come into operation until allowed and confirmed by the Board of Trade, which allowance and confirmation shall be sufficient for all purposes; and it shall not be lawful for the Harbour Master, by virtue of section 52 of that Act, or of any other authority, or for the Commissioners, to give or cause to be given any direction respecting any matter mentioned in that section, or provided for in the byelaws, further or otherwise than as the byelaws expressly authorize him or them to do so.

Parts of Harbours, &c. Act excepted.

31. Sections 16, 17, 18, 19, and 26 of "The Harbours, Docks, and Piers Clauses Act, 1847," shall not be incorporated with this Order.

Appointment of meters and weighers.

32. The Commissioners shall have the appointment of meters and weighers on or in connexion with the pier and harbour.

Light to be exhibited.

33. The company shall at the outer extremity of the pier and works authorized by this order, exhibit from sunset to sunrise such light (if any) as shall from time to time be directed by the Commissioners of Irish Lights.

Saving for Corporations, &c.

34. Nothing in this order shall take away or abridge any right, privilege, power, jurisdiction or authority, given or reserved to any person or corporation by any local or special Act of Parliament, without the consent in writing of such person or corporation.

Saving rights under "Crown Lands Act, 1866."

35. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the manage-

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ment of the Board of Trade by "The Crown Lands Act, 1866," nor shall any works under this Order be commenced within limits affected by any such rights, interests, powers, authorities, or privileges, without the assent of the Board of Trade having been first obtained.

Short title.

36. This Order may be cited as "The Rosslare Harbour Order, 1869."

Board of Trade, Whitehall,
Dated this 19th day of April 1869.

(Signed) C. Cecil Trevor,
Assistant Secretary.

Schedule to which the foregoing Order refers.

I.—Rates on Vessels using the Pier or Harbour.

	s.	*d.*
For every vessel under the burden of 15 tons, per ton	*0*	*4*
For every vessel of the burden of 15 tons and under 50 tons, per ton	*0*	*6*
For every vessel of the burden of 50 tons and under 100 tons, per ton	*0*	*8*
For every vessel of the burden of 100 tons and under 150 tons, per ton	*0*	*10*
For every vessel of the burden of 150 tons and upwards, per ton	*1*	*0*
All lighters for each trip, per ton	*0*	*6*
All boats entirely open, landing or taking on board goods, each	*0*	*6*

II.—Rates of Goods shipped or unshipped at the Pier or Harbour.

Ale, beer, and porter, per hogshead	*0*	*6*
Ale (bottled), per barrel	*0*	*4*
Ditto, per dozen bottles	*0*	*1*
Anchors, per cwt.	*0*	*9*
Anchor stock, per foot run	*0*	*2*
Bark, per ton	*2*	*0*
Bedding, per bundle	*0*	*3*
Beef or pork, per cwt.	*0*	*3*
Beef or pork, per barrel	*0*	*6*
Biscuit or bread, per cwt.	*0*	*3*
Blubber, per ton of 252 gallons	*3*	*0*
Bones and bone dust, per ton	*1*	*6*
Bottles, per gross	*0*	*9*
Bricks, per 1,000	*1*	*6*
Butter and lard, per barrel	*0*	*6*
Ditto, per firkin	*0*	*3*
Cables, iron or hempen, per ton	*3*	*0*
Canvas, per bolt	*0*	*1*
Casks (empty) not being returned packages, per puncheon	*0*	*3*

Other casks in proportion.

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		s.	*d.*
	Cattle:		
	Bulls, Cows, and oxen, each	3	0
	Calves, each	1	0
5	Horses, each	4	0
	Pigs, each	0	6
	Sheep, each	1	0
	Chalk, per ton	1	0
	Cheese, per cwt.	0	4
10	Chimney pots, each	0	3
	Clay, per ton	1	0
	Cloth, haberdashery, &c., per package not exceeding cwt.	0	6
	Carriages:		
	Chaises and other four-wheeled carriages, each	7	6
15	Gigs, carts, and other two-wheeled carriages, each	5	0
	Hand-carts and perambulators, each	1	0
	Coals, per ton	1	0
	Copper, per ton	3	0
	Cordage, per cwt.	0	3
20	Cork, per cwt.	0	6
	Crystal, per box or package	0	6
	Dogs, each	0	6
	Drugs (in casks, hampers, or boxes), per foot	0	2
	Earthenware (in casks, hampers, or boxes), per foot	0	2
25	Earthenware (in crates), per foot	0	1
	Eggs, per box	0	3
	Fish (dried and salted), per cwt	0	3
	Ditto, fresh (not enumerated), per cwt.	0	2
	Flax, per ton	2	0
30	Flour and meal, per sack	0	4
	Ditto, per barrel	0	3
	Fruit, per bushel or sieve	0	4
	Furniture (household), per 5 cubic feet	0	4
	Glass, per large crate	1	6
35	Ditto, per small crate or case	1	0
	Ditto, per box	0	6
	Grains and seeds, per quarter	0	6
	Groceries (not enumerated)	0	6
	Guano, per ton	1	6
40	Gunpowder, per barrel or keg	0	6
	Hams, bacon, or tongues, per cwt.	0	4
	Hardware, per ton	2	6
	Hares and rabbits, per dozen	0	4
	Hay, per ton	1	6
45	Ditto, per truss	0	2
	Hemp, per ton	2	0
	Herrings (fresh), per 1,000	0	3
	Ditto (cured), per barrel	0	3

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	s.	d.
Hides:		
Ox, cow, or horse (wet or dry), each	0	2
Iron:		
Bar, bolt, rod, and shots, per ton	1	6
Pig and old, per ton	1	0
Manufactured, per ton	2	6
Pots, each	0	1
Kelp, per ton	2	0
Lead, per ton	2	6
Leather, tanned and dressed, per cwt.	0	3
Lime, per 28 bushels	1	4
Limestone, per ton	1	0
Machinery, per ton	2	6
Manure (not enumerated), per ton	1	0
Masts and spars, 10 inches in diameter and upwards, each	4	6
Ditto, under 10 inches	3	0
Meat (fresh), per cwt.	0	6
Milk, per gallon	0	0½
Musical instruments, per cube foot	0	1
Nets, per 5 cubic feet	0	4
Oakum, per cwt.	0	2
Oils, per tun	2	0
Oilcake, per ton	2	0
Oranges and lemons, per box	0	6
Ores, per ton	1	0
Oysters, per bushels	0	3
Paint, per cwt.	0	4
Pitch and tar, per barrel	0	6
Potatoes, per cwt.	0	2
Poultry and game, per dozen	0	4
Rags and old rope, per ton	2	0
Sails, per cwt.	0	6
Salt, per cwt.	0	1
Sand, per ton	1	0
Shrimp baskets, each	0	2
Skins:		
Calf, goat, sheep, lamb, or dog, per dozen	0	6
Slates, per ton of 24 cubic feet	2	0
Spirits (Foreign or British), per hogshead	1	0
Ditto, ditto, per gallon	0	1
Stones, per ton of 16 cubic feet	1	6
Steel, per ton	3	0
Sugar, per cwt.	0	3
Tallow, soap, and candles, per cwt.	0	3
Tea, per chest	1	0
Tiles, per 1,000	1	6
Tin and zinc, per ton	3	0

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	s.	d.
Tobacco, per cwt.	1	6
Turbot, per score	0	3
Turnips, per ton	0	6
Turpentine and varnish, per barrel	0	6
Turtle, each	2	6
Vegetables (not enumerated), per cwt.	0	4
Vinegar, per hogshead	0	6
Vitriol, per carboy	1	0
Water, per cask	0	3
Wine, per hogshead	1	0
Ditto, bottled, per dozen bottles	0	2
Wood:		
Fir, pine, and other descriptions, not enumerated, per load of 50 feet	1	6
Oak or wainscoat, per load of 50 feet	2	0
Firewood, per 216 cubic feet fathom	1	6
Laths and lathwood, per fathom of 216 cubic feet	2	6
Handspikes, per 120	3	0
Oars, per 120	5	0
Spars under 22 feet in length, above 2½ and under 4 inches in diameter, per 120	5	0
Ditto, 2½ inches in diameter and under, per 120	4	0
Ditto, 22 feet in length and upwards, and not exceeding 4 inches in diameter, per 120	9	0
Ditto, above 4 and under 6 inches in diameter, per 120	14	0
Spokes of wheels not exceeding 2 feet in length, per 120	2	0
Ditto, exceeding 2 feet in length, per 120	3	0
Trenails, per 1,000	2	6
Wedges, per 1,000	2	6
Pipe staves, and others in proportion, per 120	2	6
Lignum vitæ, fustic, logwood, mahogany, and rosewood, per ton	2	0
Wool, per cwt.	0	4
Yarn, cwt.	0	2

All other goods not particularly enumerated above.

Light goods, per cube foot	0	1
Heavy goods, per ton	2	0

In charging the rates on goods, the gross weight or measurement of all goods to be taken; and for any less weights, measures, and quantities than those above specified, a portion of the respective rates shall be charged.

III.—Rates for use of Weighing Machines.

For goods weighed, for each ton or part of a ton	0	2

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IV.—RATES ON PASSENGERS AND PROMENADERS USING THE PIER.

	s.	*d.*
For every passenger or other person who shall land on the pier from, or embark from it on board of, any ship, vessel, packet, or passage boat, for each time any sum not exceeding	*0*	*6*
For every person who shall use the pier for the purpose of walking for exercise, pleasure, or any other purpose, except for embarking or disembarking, for each time any sum not exceeding	*0*	*4*
For every bath or sedan chair taken on the pier, for each time any sum not exceeding	*0*	*6*
For every perambulator taken on the pier, for each time any sum not exceeding	*0*	*2*
For every master of any vessel, boat, or wherry, being an inhabitant of the parish of Kilscoran, and using the said pier for the purpose of going to or returning from his own vessel, boat, or wherry, an annual sum not exceeding	*20*	*0*

V.—RATES ON PASSENGERS' LUGGAGE.

For every trunk, portmanteau, box, parcel, or other package within the description of luggage, not exceeding 28 lbs.	*0*	*2*
Over 28 lbs. and not exceeding 84 lbs.	*0*	*4*
Over 84 lbs. and not exceeding 112 lbs.	*0*	*5*
Over 112 lbs. and not exceeding 140 lbs.	*0*	*6*
Over 140 lbs. and not exceeding 196 lbs.	*0*	*7*
Over 196 lbs. and not exceeding 2 cwt.	*0*	*8*
And for every cwt. beyond	*0*	*4*
And for every 20 lbs. weight in addition	*0*	*1*

SAINT JUST.

Order for the Construction, Maintenance, and Regulation of a Harbour and Pier at Saint Just, in the county of Cornwall.

Incorporation of Company.

1. The following persons, namely, Albertus Henry Dennis Vivian, John Boyns, Alfred William Ray, and John Rule Daniell, and all other persons and corporations subscribing to the undertaking authorized by this Order, and their executors, administrators, successors, and assigns respectively, shall be and are hereby constituted into a Company for the purpose of making, maintaining, and regulating the harbour and works authorized by this Order, and for those purposes shall be and are hereby incorporated by the name "The Saint Just Harbour and Pier Company," and by that name shall be one body corporate, with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes, but subject to the restrictions, of this Order.

Undertakers.

2. The Saint Just Harbour and Pier Company, in this Order called the Company, shall be the undertakers of the works authorized by this Order.

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Incorporation of Clauses Acts.

3. "The Companies Clauses Consolidation, Act, 1845," "The Lands Clauses Consolidation Acts, 1845 and 1860," except so much as relates to the purchase or taking of lands otherwise than by agreement, and Part I. of "The Companies Clauses Act, 1863," shall respectively be incorporated with this Order.

Capital.

4. The capital of the Company shall be seventy thousand pounds, in seven thousand shares of ten pounds each.

Shares not to be issued until one-fifth paid up.

5. The Company shall not issue any share created under the authority of this Order, nor shall any such share vest in the person accepting the same, unless and until a sum not being less than one-fifth part of the amount of such share has been paid in respect thereof.

Calls.

6. No call shall exceed two pounds a share or be made payable within three months of a previous call.

Power to create preference shares.

7. The Company, with the sanction of at least three-fifths in value of the votes of the shareholders present in person or by proxy at a general meeting specially convened for that purpose, may attach to all or any of the then unissued shares, not exceeding one-third part of the capital, dividend at a rate not exceeding five pounds per centum per annum, in priority to the dividend on the other shares of the capital.

Borrowing on mortgage.

8. The Company from time to time may borrow on mortgage at interest any sum or sums of money not exceeding in the whole seventeen thousand five hundred pounds; but no money shall be so borrowed until the whole of the capital of seventy thousand pounds is subscribed for and taken and one-half thereof is paid up, and the Company satisfy the justice who certifies under section forty of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that the whole of the capital has been issued and accepted, and that one-half thereof has been paid up, and that not less than one-fifth part of the amount of each separate share has been paid on account thereof before or at the time of the issue or acceptance thereof, and that the capital was issued bonâ fide, and is held by registered holders thereof legally liable for so much thereof as is not paid up (of which satisfaction the certificate shall be conclusive evidence).

Receiver.

9. The mortgagees of the Company may enforce the payment of the arrears of interest, or of principal and interest, due on their respective mortgages by the appointment of a receiver, and the amount to authorize a requisition for a receiver is one thousrnd seven hundred pounds.

No interest or dividend on calls.

10. The Company shall not out of any money raised by calls or borrowing pay interest or dividend to any shareholder on the amount called up in respect of shares held by him; but this provision shall not prevent the Company paying to any shareholder interest on money advanced by him beyond the amount of calls actually made as may be in conformity with "The Companies Clauses Consolidation Act, 1845."

Money not to be used for deposit under Standing Order,

11. The Company shall not out of any money so raised pay or deposit any money required to be paid or deposited in relation to any application to Parliament or the Board of Trade.

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Money to be applied for purposes of Order.

12. Every part of the money so raised shall be applied only for the purposes authorized by this Order.

First general meeting.

13. The first general meeting of the Company shall be held within twelve months after the passing of an Act of Parliament confirming this Order, at such time and place as the directors determine.

Number of directors.

14. The number of directors shall not be more than seven nor less than four.

Quorum of directors.

15. The quorum of a meeting of directors shall be three.

First directors.

16. Albertus Henry Dennis Vivian, John Boyns, Alfred William Ray, and John Rule Daniel, with such other shareholders (if any) as they add to their number, shall be the first directors, and the first directors shall continue in office till the first general meeting of the Company, when they shall retire from office, and directors shall be elected by the meeting, the retiring directors being eligible for re-election.

Qualification.

17. The qualification of a director elected by the shareholders, or nominated as aforesaid, shall be the holding in his own right of shares in the capital of the Company to the aggregate nominal amount of at least one hundred pounds.

Remuneration.

18. The remuneration of the directors shall from time to time be fixed by a general meeting, and shall be divided among the directors as they determine.

Power to take lands by agreement.

19. For the purposes of the works authorized by this Order, the Company may from time to time, by agreement, enter on, take, and use all or such parts of the lands shown on the plans deposited for the purposes of this Order as they think requisite for the purposes of the proposed Harbour, Pier, and works, and the conveniences connected therewith.

Lands for extraordinary purposes.

20. The Company may purchase and hold for extraordinary purposes any land not exceeding in the whole twenty acres.

Power to make works.

21. Subject to the provisions of this Order, and subject also to such alterations (if any) in the deposited plans as the Board of Trade require from time to time before the completion of the works, in order to prevent injury to navigation, the Company may, on the lands taken by them under this Order, in the lines and according to the levels shown on the deposited plans and sections (so far as the same are shown thereon), and within the limits of deviation shown on those plans, make and maintain the Harbour, Pier, and works authorized by this Order.

Description of works authorized.

22, The works authorized comprise the following:

(1.) A Harbour and basin occupying the site of the beach called "Pornenven Beach," between Bollowal Cliff on the north and Letcher Cliff on the south, bounded on the west by a pier or breakwater extending from under Bollowal Cliff in a southerly direction a length of about one hundred and seventy feet towards the Crow Rock, called pier No. 1; and another pier or breakwater, extending from

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under Letcher Cliff about one hundred and twenty feet in a northerly direction towards the south extremity of the before-mentioned pier No. 1, and called pier No. 2; on the south by a wharf about two hundred and fifty-five feet in length, extending in an easterly direction from the south end of pier No. 2, and called wharf No. 1; on the east by a wharf about two hundred and thirty feet in length, extending across Pornenven Beach in a northerly direction from the eastern end of wharf No. 1, and called wharf No. 2; on the north-east by a wharf about two hundred and fifty feet in length, extending in a north-westerly direction along the line of Bollowal Cliff from the northern extremity of wharf No. 2, and called wharf No. 3; on the north-west by a wharf about one hundred and thirty feet in length, extending from the north-west end of wharf No. 3 to the north end of pier No. 1, and called wharf No. 4;

(2.) A pier or breakwater extending in a westerly direction from or near the south end of pier No. 2, the north face being about two hundred and twenty-five feet in length, and the south face about four hundred and ten feet in length, and called pier No. 3:

(3.) A pier or breakwater extending from a point under Bollowal Cliff about three hundred and forty feet north-west of the north-west end of wharf No. 3 in a south-westerly direction about seven hundred feet in length, and called pier No. 4.

Additional works.

23.—The Company may also make, execute, and maintain the following works authorized by this Order:—

(1.) All embankments, piers, jetties, piles, wharves, loading-berths, landing-places, roads, approaches, warehouses, sheds, and other works and convenieneces in and connected with the harbour and pier before described; and

(2.) The sufficient and effectual dredging, scouring, cleansing, and removing of any banks of sand, shingle, or mud within or adjoining the harbour and works or in the approaches to the harbour.

Limits of harbour.

24.—The limits within which the Company shall have authority, and which shall be deemed the limits to which the provisions of this Order extend, shall comprise the whole of the space within fifty fathoms outside the outer face of pier No. 3 and pier No. 4 and a line drawn from the outer extremity of pier No. 3 to the outer extremity of pier No. 4.

Power to take rates in Schedule.

25.—The Company may for the use of the harbour, pier, and works demand and take, in respect of the vessels, persons, fish, animals, and goods in the Schedule hereto annexed, any sums not exceeding the rates in that Schedule specified.

Certain fishing vessels under stress of weather exempt from rates.

26.—Fishing vessels belonging to countries with which for the time being treaties exist exempting from duties and port charges such vessels, when forced by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom, shall, when forced by stress of weather to make use of the

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harbour and pier authorized by this Order, and not breaking bulk while making use thereof, be exempt from rates leviable under this Order.

Exemption of Custom House officers from rates.

27.—Officers of Customs, being in the execution of their duty, shall at all times have free ingress, passage, and egress into and over the harbour, pier, and works by land and with their vessels without payment.

Steam engines, lighters, &c.

28.—The Company may provide and use such steam engines, steam vessels, piling engines, diving bells, ballast lighters, rubbish lighters, barges, boats, cranes, buoys, mooring posts, mooring craft, weighing machines, tackle, and other machinery, vessels, apparatus, and conveniences as they think proper for carrying on the business of the Company, or for any of the purposes of this Order, and may demand and take such sums for the use thereof as they think reasonable.

Meters and weighers.

29.—The Company shall have the appointment of meters and weighers on or in connection with the harbour and pier.

Restriction on use of pier.

30. Nothing in this Order shall entitle any person with any vessel or boat to ship or unship at the pier authorized by this Order any sheep, cattle, or merchandise, or to ship or unship there anything which, in the judgment of the Company, might in any manner interfere with the use of the pier for the embarking or landing of passengers.

Light to be exhibited.

31.—The Company shall, at the outer extremity of the pier and works authorized by this Order, exhibit from sunset to sunrise such light (if any) as shall from time to time be directed by the corporation of Trinity House, Deptford Strond.

Saving rights under Crown Lands Act, 1866.

32.—This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade by "The Crown Lands Act, 1866," nor shall any works under this Order be commenced within limits affected by any such rights, interests, powers, authorities, or privileges, without the assent of the Board of Trade having been first obtained.

Short title.

33.—This Order may be cited as "The Saint Just Harbour and Pier Order, 1869."

Board of Trade, Whitehall.
Dated this 8th day of April 1869.

(Signed) C. Cecil Trevor,
Assistant Secretary.

Schedule to which the foregoing Order refers.

I.—Rates on Vessels using the Harbour or Pier.

	s.	*d.*
For every vessel under the burden of 15 tons, per ton - - -	*0*	*4*
For every vessel of the burden of 15 tons and under 50 tons, per ton	*0*	*6*
For every vessel of the burden of 50 tons and under 100 tons, per ton	*0*	*8*

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		s.	d.
	For every vessel of the burden of 100 tons and under 150 tons, per ton	0	10
	For every vessel of the burden of 150 tons and upwards, per ton	1	0
5	All lighters, for each trip, per ton	0	2
	All boats, entirely open, landing or taking on board goods, each	0	6
	All boats belonging to the Harbour engaged in the seine fishery, per annum	20	0
	All boats not belonging to the Harbour engaged in the seine fishery,		
10	per month, to be paid in advance	7	6
	All boats engaged in hook and line fishery, per annum	10	0

II.—Rates on Goods shipped or unshipped at the Pier.

	Ale, beer, and porter, per hogshead	0	6
	Ale (bottled), per barrel	0	4
15	Ditto, per dozen bottles	0	9
	Anchors, per cwt.	0	1
	Anchor stock, per foot run	0	2
	Bark, per ton	2	0
	Bedding, per bundle	0	3
20	Beef or pork, per cwt.	0	3
	Ditto, per barrel	0	6
	Biscuit or bread, per cwt.	0	3
	Blubber, per ton of 252 gallons	3	0
	Bones and bone dust, per ton	1	6
25	Bottles, per gross	0	9
	Bricks, per 1,000	1	6
	Butter and lard, per barrel	0	6
	Ditto, per firkin	0	3
	Cables, iron or hempen, per ton	3	0
30	Canvas, per bolt	0	1
	Casks (empty), not being return packages, per puncheon	0	3
	Other casks in proportion.		
	Cattle :		
	Bulls, cows, and oxen, each	3	0
35	Calves, each	1	0
	Horses, each	4	0
	Pigs, each	0	6
	Sheep, each	1	0
	Chalk, per ton	1	0
40	Cheese, per cwt.	0	4
	Chimney pots, each	0	3
	Clay, per ton	1	0
	Cloth, haberdashery, &c., per package not exceeding cwt.	0	6
	Carriages :		
45	Chaises and other four-wheeled carriages, each	7	6
	Gigs, carts, and other two-wheeled carriages, each	5	0
	Hand-carts and perambulators, each	1	0

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	s.	d.
Coals, per ton	1	0
Copper, per ton	3	0
Cordage, per cwt.	0	3
Cork, per cwt.	0	6
Corpses, each	20	0
Crystal, per box or package	0	6
Dogs, each	0	6
Drugs (in casks, hampers, or boxes), per foot	0	2
Earthenware (in casks, hampers, or boxes), per foot	0	2
Earthenware (in crates), per foot	0	1
Eggs, per box	0	3
Fish, per hogshead, each way, in and out	2	6
Flax, per ton	2	0
Flour and meal, per sack	0	4
Ditto, per barrel	0	3
Fruit, per bushel or sieve	0	4
Furniture (household), per 5 cubic feet	0	4
Glass, per large crate	1	6
Ditto, per small crate or case	1	0
Ditto, per box	0	6
Grains and seeds, per quarter	0	6
Groceries not (enumerated)	0	6
Guano, per ton	1	6
Gunpowder, per barrel or keg	0	6
Hams, bacon, or tongues, per cwt.	0	4
Hardware, per ton	2	6
Hares and rabbits, per dozen	0	4
Hay, per ton	1	6
Ditto, per truss	0	2
Hemp, per ton	2	0
Herrings (fresh), per 1,000	0	3
Ditto (cured), per barrel	0	3
Hides, ox, cow, or horse (wet or dry), each	0	2
Iron:		
Bar, bolt, rod, and shots, per ton	1	6
Pig and old, per ton	1	0
Manufactured, per ton	2	6
Pots, each	0	1
Kelp, per ton	2	0
Lead, per ton	2	6
Leather (tanned and dressed), per cwt.	0	3
Lime, per 28 bushels	1	4
Limestone, per ton	1	0
Machinery, per ton	2	6
Manure (not enumerated), per ton	1	0
Masts and spars, 10 inches in diameter and upwards, each	4	6
Ditto, under 10 inches	3	0

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		s.	d.
	Meat (fresh), per cwt.	0	6
	Milk, per gallon	0	0½
	Musical instruments, per cube foot	0	1
5	Nets, per 5 cube feet	0	4
	Oakum, per cwt.	0	2
	Oils, per ton	2	0
	Oil cake, per ton	2	0
	Oranges and lemons, per box	0	6
10	Ores, per ton	1	0
	Oysters, per bushel	0	3
	Paint, per cwt.	0	4
	Pitch and tar, per barrel	0	6
	Potatoes, per cwt.	0	2
15	Poultry and game, per dozen	0	4
	Rags and old rope, per ton	2	0
	Sails, per cwt.	0	6
	Salt, per cwt.	0	1
	Sand, per ton	1	0
20	Shrimp baskets, each	2	0
	Skins:		
	Calf, goat, sheep, lamb, or dog, per dozen	0	6
	Slates, per ton of 24 cubic feet	2	0
	Spirits (Foreign or British), per hogshead	1	0
25	Ditto, ditto, per gallon	0	1
	Stone, per ton of 16 cubic feet	1	6
	Steel, per ton	3	0
	Sugar, per cwt.	0	3
	Tallow, soap, and candles, per cwt.	0	3
30	Tea, per chest	1	0
	Tiles, per thousand	1	6
	Tin and zinc, per ton	3	0
	Tobacco, per cwt.	0	6
	Turbot, per score	0	3
35	Turnips, per ton	0	6
	Turpentine and varnish, per barrel	0	6
	Turtle, each	2	6
	Vegetables (not enumerated), per cwt.	0	4
	Vinegar, per hogshead	0	6
40	Vitriol, per carboy	1	0
	Water, per cask	0	3
	Wine, per hogshead	1	0
	Ditto, bottled, per dozen bottles	0	2
	Wood:		
45	Fir, pine, and other descriptions not enumerated, per load of 50 feet	1	6
	Oak or wainscot, per load of 50 feet	2	0

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	s.	d.
Firewood, per 216 cubic feet fathom	1	6
Laths and lathwood, per fathom of 216 cubic feet	2	6
Handspikes, per 120	3	0
Oars, per 120	5	0
Spars under 22 feet in length, above 2½ and under 4 inches in diameter, per 120	5	0
Ditto 2½ inches in diameter and under, per 120	4	0
Ditto 22 feet in length and upwards, and not exceeding 4 inches in diameter, per 120	9	0
Ditto above 4 and under 6 inches in diameter, per 120	14	0
Spokes of wheels not exceeding 2 feet in length, per 120	2	0
Ditto exceeding 2 feet in length, per 120	3	0
Trenails, per 1,000	2	6
Wedges, per 1,000	2	6
Pine staves (and others in proportion) per, 120	2	6
Lignum vitæ, fustic, logwood, mahogany, and rosewood, per ton	2	0
Wool, per cwt.	0	4
Yarn, per cwt.	0	2

ALL OTHER GOODS NOT PARTICULARLY ENUMERATED ABOVE.

Light goods, per cubic foot	0	1
Heavy goods, per ton	2	0

In charging the rates on goods the gross weight or measurement of all goods to be taken, and for any less weight, measures, and quantities than those above specified a portion of the respective rates shall be charged.

III.—RATES FOR USE OF CRANES, WEIGHING MACHINERY, AND SHEDS.

1st.—Rates of Craneage.

All goods or packages not exceeding 1 ton	0	4
Exceeding 1 ton and not exceeding 2 tons	0	6
„ 2 tons „ 3 „	0	8
„ 3 „ „ 4 „	0	10
„ 4 „ „ 5 „	1	0
„ 5 „ „ 6 „	1	2
„ 6 „ „ 7 „	1	4
„ 7 „ „ 8 „	1	6
„ 8 „ „ 9 „	1	10
„ 9 „ „ 10 „	2	4
„ 10 „	3	6

2nd.—Weighing Machines.

For goods weighing, for each ton or part of a ton	0	3

	s.	d.
3rd.—Shed Dues.		
For each ton of goods of 40 cubic feet, and for each ton of goods of 20 cwt., which shall remain in the sheds or other works of the pier for a longer time than 48 hours, the sum of *3d.*; and the sum of *1½d.* per ton for each day during which such goods shall remain after the first 48 hours.		
For any portmanteau, trunk, parcel, or other article of passengers' luggage, for each day, or part of a day, per package - -	*0*	*2*

IV.—RATES FOR SUPPLY OF WATER ON PIERS.

Water, per 1,000 gallons - - - - -	*10*	*0*

V.—RATES ON PASSENGERS' LUGGAGE.

For every trunk, portmanteau, box, parcel, or other package within the description of luggage, not exceeding 28 lbs. - - -	*0*	*2*
Over 28 lbs. and not exceeding 84 lbs. - - - -	*0*	*4*
„ 84 lbs. „ 112 lbs. - - - -	*0*	*5*
„ 112 lbs. „ 140 lbs. - - - -	*0*	*6*
„ 140 lbs. „ 196 lbs. - - - -	*0*	*7*
„ 196 lbs. „ 2 cwt. - -	*0*	*8*
And for every cwt. beyond - - - -	*0*	*4*
And for every 20 lb. in weight in addition - - -	*0*	*1*

Pier and Harbour Orders Confirmation.

A

BILL

For confirming certain Provisional Orders made by the Board of Trade under The General Pier and Harbour Act, 1861, relating to Cliftonville, Gillingham, Ilfracombe, Rosslare, and Saint Just.

(*Prepared and brought in by Mr. Lefevre and Mr. John Bright.*)

Ordered, by The House of Commons, *to be Printed* 10 *May* 1869.

[Bill 114.]

Under 6 *oz.*

A

BILL

[AS AMENDED BY THE SELECT COMMITTEE]

FOR

Confirming certain Provisional Orders made by the Board of Trade under The General Pier and Harbour Act, 1861, relating to Cliftonville, Gillingham, Rosslare, and Saint Just. A.D. 1869.

Preamble. 24 & 25 Vict. c. 45.

WHEREAS a provisional order made by the Board of Trade under The General Pier and Harbour Act, 1861, is not of any validity or force whatever until the confirmation thereof by Act of Parliament:

And whereas it is expedient that the several provisional orders made by the Board of Trade under the said Act, and set out in the schedule to this Act, be confirmed by Act of Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Confirmation of orders in schedule.

1. The several orders set out in the schedule to this Act shall be and the same are hereby confirmed, and all the provisions thereof in manner and form as they are set out in the said schedule shall, from and after the passing of this Act, have full validity and force.

Short title.

2. This Act may be cited as The Pier and Harbour Orders Confirmation Act, 1869 (No. 1.)

A.D. 1869.

The SCHEDULE OF ORDERS.

1. CLIFTONVILLE.—Construction of a pier.
2. GILLINGHAM.—Power to levy rates at existing pier.
3. ROSSLARE.—Construction of a pier.
4. SAINT JUST.—Construction of a harbour and piers.

CLIFTONVILLE.

Order for the Construction, Maintenance, and Regulation of a Pier at Cliftonville, in the Parish of Hove, in the County of Sussex.

Incorporation of Company.

1.—The following persons, namely, James Easton the younger, Edward Easton, William Anderson, and all other persons and corporations subscribing to the undertaking authorized by this Order, and their executors, administrators, successors, and assigns respectively, shall be and are hereby constituted into a Company for the purpose of making, maintaining, and regulating the pier and works authorized by this Order, and for those purposes shall be and are hereby incorporated by the name of "The Cliftonville Pier Company," and by that name shall be one body corporate with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other proporty for the purposes, but subject to the restrictions of this Order.

Undertakers.

2.—The Cliftonville Pier Company, in this Order called the Company, shall be the undertakers of the works authorized by this Order.

Incorporation of Clauses Acts.

3.—"The Companies Clauses Consolidation Act, 1845," and Part I. of "The Companies Clauses Act, 1863," are hereby incorporated with this Order; and the words "special Act" in such Acts mentioned shall apply to and include this Order.

Capital.

4.—The capital of the Company shall be twenty-five thousand pounds in two thousand five hundred shares of ten pounds each.

Shares not to be issued until one-fifth paid up.

5.—The Company shall not issue any share created under the authority of this Order, nor shall any such share vest in the person accepting the same, unless and until a sum not being less than one fifth part of the amount of such share has been paid up in respect thereof.

Calls.

6.—No call shall exceed two pounds ten shillings a share, or be made payable within three months of a previous call.

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Power to create preference shares.

7.—The Company, with the sanction of at least three fifths in value of the votes of the shareholders present in person or by proxy at a general meeting specially convened for that purpose, may attach to all or any of the then unissued shares, not exceeding one third part of the capital, dividend at a rate not exceeding five pounds per centum per annum, in priority to the dividend on the other shares of the capital.

Borrowing on mortgage.

8.—The Company from time to time may borrow on mortgage, at interest, any sum or sums of money not exceeding in the whole six thousand five hundred pounds, but no money shall be so borrowed until the whole of the capital of twenty-five thousand pounds is subscribed for, and one half thereof is paid up, and the Company satisfy the Justice, who certifies under section 40 of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that the whole of the capital has been issued and accepted, and that one half thereof has been paid up, and that not less than one fifth part of the amount of each separate share has been paid on account thereof before or at the time of the issue or acceptance thereof, and that the capital was issued bonâ fide, and is held by registered holders thereof, legally liable for so much thereof as is not paid up (of which satisfaction the certificate shall be conclusive evidence).

Receiver.

9.—The mortgagees of the Company may enforce the payment of the arrears of interest or of principal and interest due on their respective mortgages by the appointment of a receiver, and the amount to authorize a requisition for a receiver is five hundred pounds.

No interest on dividend on calls.

10.—The Company shall not out of any money raised by calls or borrowing pay interest or dividend to any shareholder on the amount called up in respect of shares held by him; but this provision shall not prevent the Company paying to any shareholder interest on money advanced by him beyond the amount of calls actually made, in conformity with the provisions of "The Companies Clauses Consolidation Act, 1845."

Money not to be used for deposit under Standing Orders, &c.

11.—The Company shall not, out of any money so raised, pay or deposit any money that may be required to be paid or deposited in relation to any application to Parliament or the Board of Trade.

Money to be applied for purposes of order.

12.—Every part of the money so raised shall be applied only for the purposes authorized by this Order.

First general meeting.

13.—The first general meeting of the Company shall be held, within twelve months after the passing of an Act of Parliament confirming this Order, at such time and place as the directors determine.

Number of directors.

14.—The number of directors shall not be more than six or less than three.

Quorum of directors.

15.—The quorum of a meeting of directors shall be two.

First directors.

16.—James Easton the younger, Edward Easton, and William Anderson, with such other shareholders (if any) as they add to their number, shall be the first directors; and the first directors shall continue in office till the first general meeting of the Company, when they shall retire from office, and directors shall be elected by the meeting, the retiring directors being eligible.

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Qualification.

17.—The qualification of a director elected by the shareholders, or nominated as aforesaid, shall be the holding, in his own right, of shares in the capital of the Company to the aggregate nominal amount of at least one hundred pounds.

Remuneration.

18.—The remuneration of the directors shall, from time to time, be fixed by a general meeting, and shall be divided among the directors as they determine.

Power to take lands by agreement.

19.—For the purposes of the works authorized by this Order, the Company may, from time to time, by agreement, enter on, take, and use all such parts of the lands shown on the plans deposited for the purposes of this Order as they think requisite for the purposes of the proposed pier and works, and the conveniences connected therewith.

Incorporation of Lands Clauses Act.

20.—"The Lands Clauses Consolidation Act, 1845," except so much thereof as relates to the purchase or taking of lands otherwise than by agreement, and "The Lands Clauses Consolidation Acts Amendment Act, 1860," shall be incorporated with this Order.

Power to make works.

21.—Subject to the provisions of this Order, and subject also to such alterations (if any) in the deposited plans as the Board of Trade require from time to time before the completion of the works, in order to prevent injury to navigation, the Company may, on the lands taken by them under this Order, and in the lines and according to the levels shown on the deposited plans and sections (as far as the same are shown thereon), and within the limits of deviation shown on those plans, make and maintain the pier and works authorized by this Order.

Description of works authorized.

22.—The works authorized by this Order comprise the following:—

A promenade pier at Cliftonville in the parish of Hove, in the county of Sussex, with a landing place, and all necessary works and conveniences for the embarking and landing of passengers, goods, and merchandise, and for other purposes, commencing at a point one hundred feet, or thereabouts, northward of highwater-mark of spring tides, and distant eleven chains eighteen yards, or thereabouts, eastward of the north-east corner of Mill's Terrace, and extending seawards in a southerly direction twelve hundred feet, or thereabouts, beyond highwater-mark.

Power to take rates according to Schedule to this order.

23.—The Company may for the use of the pier and works demand and receive in respect of the vessels, goods, persons, and things described in the Schedule hereto, any sums not exceeding the rates in that Schedule specified.

Certain fishing vessels under stress of weather exempt from rates.

24.—Fishing vessels belonging to countries with which, for the time being, treaties exist exempting from duties and port charges such vessels when forced by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom, shall, when forced by stress of weather to make use of the Pier authorized by this Order, and not breaking bulk while making use thereof, be exempt from rates leviable under this Order.

Company may contract with persons for the use of the pier.

25.—The Company may grant to passengers and promenaders, or others, pass tickets for the use of the Pier, on such terms and for such a period, not

exceeding one year, as are agreed on, but so that no preference be given to any person. Such pass ticket shall not be transferable, and shall not be used by any person except the person for whom it is granted, or by any person after the period limited for its use. If any person acts in any way in contravention of this provision, or uses, or attempts to use, any false or counterfeit ticket, he shall, for every such offence, be liable to a penalty not exceeding twenty shillings, to be recovered and applied as penalties are recoverable and applicable under "The Harbours, Docks, and Piers Clauses Act, 1847," for all the purposes of which Act this Order shall be deemed the Special Act.

Custom House officers exempt from rates.

26.—Officers of Customs, being in the execution of their duty, shall at all times have free ingress, passage and egress to, on, along, and from the Pier, by land and with their vessels, and otherwise, without payment.

Lands for extraordinary purposes.

27.—The Company shall not purchase, for extraordinary purposes, lands exceeding in extent, in the whole, three acres.

Meters and weighers.

28.—The Company shall have the appointment of meters and weighers on, or in connection with, the Pier.

Parts of Harbours, &c. Act, 1847, excepted.

29.—The following sections of "The Harbours, Docks, and Piers Clauses Act, 1847," shall not be incorporated with this Order, namely, sections sixteen to nineteen, and twenty-one to twenty-three, all inclusive.

Steam engines, diving bells, lighters, &c.

30.—The Company may provide such steam engines, steam vessels, tugs, piling engines, diving bells, ballast lighters, rubbish lighters, moorings, dredging machines, and other machinery, vessels and things, as they think necessary, for effectuating any of the purposes of this Order, and may demand and receive such sums for the use of the same as they think reasonable.

Part V. of 24 & 25 Vict. c. 47. to apply.

31.—Part V. of "The Harbours and Passing Tolls, &c., Act, 1861," shall apply to the works authorized by this Order.

Restriction on use of pier.

32.—Nothing in this Order shall entitle any person with any vessel or boat to ship or unship at the Pier authorized by this Order any sheep, cattle, or merchandise, or to ship or unship there anything which, in the judgment of the Company, might in any manner interfere with the use of the Pier for recreation, or for the embarking or landing of passengers.

Costs of Order.

33.—All the costs, charges, and expenses of and preparatory and incident to the obtaining of this Order, and otherwise in relation thereto, shall be paid by the Company.

Light to be exhibited.

34.—The Company shall, at the outer extremity of the Pier and works authorized by this Order, exhibit from sunset to sunrise such light (if any) as shall from time to time be directed by the Corporation of Trinity House, Deptford Strond.

Saving rights under Crown Lands Act, 1866.

35. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade by "The Crown Lands Act, 1866;" nor shall any works under this Order be commenced within limits affected by any such

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rights, interests, powers, authorities, or privileges, without the assent of the Board of Trade having been first obtained.

Short title.

36.—This Order may be cited as "The Cliftonville Pier Order, 1869."

Board of Trade, Whitehall.

Dated this 8th day of April 1869.

(Signed) C. Cecil Trevor,
Assistant Secretary.

Schedule to which the foregoing Order refers.

I.—Rates on Vessels using the Pier.

	s.	*d.*
For every vessel under the burden of 15 tons, per ton	*0*	*4*
For every vessel of the burden of 15 tons and under 50 tons, per ton	*0*	*6*
For every vessel of the burden of 50 tons and under 100 tons, per ton	*0*	*8*
For every vessel of the burden of 100 tons and under 150 tons, per ton	*0*	*10*
For every vessel of the burden of 150 tons and upwards, per ton	*1*	*0*
All lighters, for each trip, per ton	*0*	*2*
All boats entirely open, landing or taking on board goods, each	*0*	*6*

II.—Rates of Goods shipped or unshipped at the Pier.

Ale, beer, and porter, per hogshead	*0*	*6*
Ale (bottled), per barrel	*0*	*4*
Ditto, per dozen bottles	*0*	*1*
Anchors, per cwt.	*0*	*9*
Anchor stock, per foot run	*0*	*2*
Bark, per ton	*2*	*0*
Bedding, per bundle	*0*	*3*
Beef or pork, per cwt.	*0*	*3*
Ditto, per barrel	*0*	*6*
Biscuit or bread, per cwt.	*0*	*3*
Blubber, per ton of 252 gallons	*3*	*0*
Bones and bone-dust, per ton	*1*	*6*
Bottles, per gross	*0*	*9*
Bricks, per 1,000	*1*	*6*
Butter and lard, per barrel	*0*	*6*
Ditto, per firkin	*0*	*3*
Cables, iron or hempen, per ton	*3*	*0*
Canvas, per bolt	*0*	*1*
Casks (empty), not being returned packages, per puncheon	*0*	*3*
Other casks in proportion.		
Cattle:		
Bulls, cows, and oxen, each	*3*	*0*
Calves, each	*1*	*0*
Horses, each	*4*	*0*

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		s.	d.
	Cattle—*continued.*		
	Pigs, each	0	6
	Sheep, each	1	0
	Chalk, per ton	1	0
5	Cheese, per cwt.	0	4
	Chimney pots, each	0	3
	Clay, per ton	1	0
	Cloth, haberdashery, &c., per package not exceeding cwt.	0	6
	Carriages:—		
10	Chaises and other four-wheeled carriages, each	7	6
	Gigs, carts, and other two-wheeled carriages, each	5	0
	Hand carts and perambulators, each	1	0
	Coals, per ton	1	0
	Copper, per ton	3	0
15	Cordage, per cwt.	0	3
	Cork, per cwt.	0	6
	Corpses, each	20	0
	Crystal, per box or package	0	6
	Dogs, each	0	6
20	Drugs (in casks, hampers or boxes), per foot	0	2
	Earthenware (in casks, hampers, or boxes), per foot	0	2
	Earthenware (in crates), per foot	0	1
	Eggs, per box	0	3
	Fish (dried and salted), per cwt.	0	3
25	Ditto, fresh (not enumerated), per cwt.	0	2
	Flax, per ton	2	0
	Flour and meal, per sack	0	4
	Ditto, per barrel	0	3
	Fruit, per bushel or sieve	0	4
30	Furniture (household), per 5 cubic feet	0	4
	Glass, per large crate	1	6
	Ditto, per small crate or case	1	0
	Ditto, per box	0	6
	Grains and seeds, per quarter	0	6
35	Groceries (not enumerated)	0	6
	Guano, per ton	1	6
	Gunpowder, per barrel or keg	0	6
	Hams, bacon, or tongues, per cwt.	0	4
	Hardware, per ton	2	6
40	Hares and rabbits, per dozen	0	4
	Hay, per ton	1	6
	Ditto, per truss	0	2
	Hemp, per ton	2	0
	Herrings (fresh), per 1,000	0	3
45	Ditto (cured), per barrel	0	3
	Hides:—		
	Ox, cow, or horse (wet or dry), each	0	2

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	s.	d.
Iron:—		
Bar, bolt, rod, and shots, per ton	1	6
Pig, and old, per ton	1	0
Manufactured, per ton	2	6
Pots, each	0	1
Kelp, per ton	2	0
Lead per ton	2	6
Leather, tanned and dressed, per cwt.	0	3
Lime, per 28 bushels	1	4
Limestone, per ton	1	0
Machinery, per ton	2	6
Manure (not enumerated) per ton	1	0
Masts and spars, 10 inches in diameter and upwards, each	4	6
Ditto, under 10 inches	3	0
Meat (fresh), per cwt.	0	6
Milk, per gallon	0	0½
Musical instruments, per cube foot	0	1
Nets, per 5 cube feet	0	4
Oakum, per cwt.	0	2
Oils, per ton	2	0
Oilcake, per ton	2	0
Oranges and lemons, per box	0	6
Ores, per ton	1	0
Oysters, per bushel	0	3
Paint, per cwt.	0	4
Pitch and tar, per barrel	0	6
Potatoes, per cwt.	0	2
Poultry and game, per dozen	0	4
Rags and old rope, per ton	2	0
Sails, per cwt.	0	6
Salt, per cwt.	0	1
Sand, per ton	1	0
Shrimp baskets, each	0	2
Skins:—		
Calf, goat, sheep, lamb, or dog, per dozen	0	6
Slates, per ton of 24 cubic feet	2	0
Spirits (Foreign and British), per hogshead	1	0
Ditto, ditto, per gallon	0	1
Stones, per ton of 16 cubic feet	1	6
Steel, per ton	3	0
Sugar, per cwt.	0	3
Tallow, soap, and candles, per cwt.	0	3
Tea, per chest	1	0
Tiles, per 1,000	1	6
Tin and zinc, per ton	3	0
Tobacco, per cwt.	0	6
Turbot, per score	0	3

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		s.	d.
	Turnips, per ton	0	6
	Turpentine and varnish, per barrel	0	6
	Turtle, each	2	6
5	Vegetables (not enumerated), per cwt.	0	4
	Vinegar, per hogshead	0	6
	Vitriol, per carboy	1	0
	Water, per cask	0	3
	Wine, per hogshead	1	0
10	Ditto (bottled), per dozen bottles	0	2
	Wood:		
	Fir, pine, and other descriptions not enumerated, per load of 50 feet	1	6
	Oak or wainscot, per load of 50 feet	2	0
15	Firewood, per 216 cubic feet fathom	1	6
	Laths and lathwood, per fathom of 216 cubic feet	2	6
	Handspikes, per 120	3	0
	Oars, per 120	5	0
	Spars, under 22 feet in length, above $2\frac{1}{2}$ and under 4 inches in		
20	diameter, per 120	5	0
	Ditto, $2\frac{1}{2}$ inches in diameter and under, per 120	4	0
	Ditto, 22 feet in length and upwards, and not exceeding 4 inches in diameter, per 120	9	0
	Ditto, above 4 and under 6 inches in diameter, per 120	14	0
25	Spokes of wheels, not exceeding 2 feet in length, per 120	2	0
	Ditto, exceeding 2 feet in length, per 120	3	0
	Treenails, per 1,000	2	6
	Wedges, per 1,000	2	6
	Pipe staves and others in proportion, per 120	2	6
30	Lignum vitæ, fustic, logwood, mahogany, and rosewood, per ton	2	0
	Wool, per cwt.	0	4
	Yarn, per cwt.	0	2

All other Goods not particularly enumerated above.

	Light goods, per cube foot	0	1
35	Heavy goods, per ton	2	0

In charging the rates on goods, the gross weight or measurement of all goods to be taken; and for any less weights, measures, and quantities than those above specified, a portion of the respective rates shall be charged.

40 III.—Rates for use of Cranes, Weighing Machines, and Sheds.

1*st. Rates of Craneage.*

	All goods of packages not exceeding 1 ton	0	4
	Exceeding 1 ton and not exceeding 2 tons	0	6
	Exceeding 2 tons and not exceeding 3 tons	0	8
45	Exceeding 3 tons and not exceeding 4 tons	0	10

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	s.	d.	
Exceeding 4 tons and not exceeding 5 tons - - - -	1	0	
Exceeding 5 tons and not exceeding 6 tons - - -	1	2	
Exceeding 6 tons and not exceeding 7 tons - - - -	1	4	
Exceeding 7 tons and not exceeding 8 tons - - -	1	6	5
Exceeding 8 tons and not exceeding 9 tons - - - -	1	10	
Exceeding 9 tons and not exceeding 10 tons - - -	2	4	
Exceeding 10 tons - - - - - - - -	3	6	

2nd. Weighing Machine.

For goods weighed, for each ton or part of a ton - -	0	2	10

3rd. Shed Dues.

For each ton of goods of 40 cubic feet, or for each ton of goods of 20 cwt., which shall remain in the sheds or other works of the Pier for a longer time than 48 hours, the sum of *3d.*, and the sum of *1½d.* per ton for each day during which such goods shall remain after first 48 hours.			15
For any portmanteau, trunk, parcel, or other article of passengers' luggage, for each day or part of a day, per package - -	0	2	

IV.—RATES FOR SUPPLYING WATER ON PIER.

Water, per 1,000 gallons - - - - -	10	0	20

V.—RATES ON PASSENGERS AND PROMENADERS USING THE PIER.

For every passenger or other person who shall land on the Pier from, or embark from it on board of, any ship, vessel, packet, or passage-boat, for each and every time any sum not exceeding -	0	6	
For every person who shall use the Pier for the purpose of walking for exercise, pleasure, or any other purpose, except for embarking or disembarking, for each and every time any sum not exceeding - - - - - -	0	4	25
For every bath or sedan chair taken on the Pier, for each and every time not exceeding - - - - - -	0	6	30
For every perambulator - - - - -	0	2	
For every master of any vessel, boat or wherry, being an inhabitant of the Parish of Hove, and using the said pier for the purpose of going to or returning from his own vessel, boat, or wherry, an annual sum not exceeding - - - - -	20	0	35

VI.—RATES ON PASSENGERS LUGGAGE.

For every trunk, portmanteau, box, parcel, or other package within the description of luggage, not exceeding 28 lbs. - -	0	2	
Over 28 lbs. and not exceeding 84 lbs. - - - -	0	4	
Over 84 lbs. and not exceeding 112 lbs. - - -	0	5	40
Over 112 lbs. and not exceeding 140 lbs. - - - -	0	6	

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	s.	d.
Over 140 lbs. and not exceeding 196 lbs.	0	7
Over 196 lbs. and not exceeding 2 cwt.	0	8
And for every cwt. beyond	0	4
And for every 20 lbs. weight in addition	0	1

GILLINGHAM.

Order for the maintenance and regulation of a Pier, Wharf, and Landing Place in the Parish of Gillingham in the County of Kent.

Board of Surveyors to be undertakers.

1. The Board for the repair of the Highways in the parish of Gillingham in the county of Kent, and their successors, in this Order called "The Board," shall execute and give effect to this Order, and be the undertakers of the works authorized by this Order.

Limits of authorities of Board.

2. The limits within which the Board shall have authority under this Order (which shall be deemed to be the limits to which this Order shall extend), shall comprise the Gillingham Pier, Wharf, and Landing Place, as constructed by the Lords Commissioners for executing the office of Lord High Admiral of Great Britain and Ireland, near to the eastern side of the new boundary wall of Her Majesty's dockyard at Chatham, and which pier, wharf, and landing place is or will become, under the provisions contained in "The Chatham Dockyard Act, 1861," vested in the Board (in the said Act called "The Board of Surveyors of the parish of Gillingham"), and also so much of the river Medway as lies within the distance of seven yards from any part of the same pier, wharf, or landing place.

Commissioners Clauses Act incorporated.

3. "The Commissioners Clauses Act, 1847," except the following sections, namely sections 6 to 55 inclusive, 92 to 95 inclusive, 110 and 111, shall be incorporated with this Order, and shall, so far as the nature of the case will admit, apply to the members of the Board collectively and severally, and the expressions "the Commissioners" and "the special Act" in that Act contained shall mean "the Board" and this order respectively.

Power to levy rates.

4. After obtaining possession of the pier, wharf, and landing place the Board may for the use of the same demand and receive in respect of the persons, vessels, cattle, goods, and things described in the schedule to this Order any sums not exceeding the rates in that schedule specified.

Power to borrow on mortgage.

5. The Board may from time to time borrow on mortgage, at interest on the security of the pier, wharf, and landing place and the rates authorized by this Order, or of either of them, any sums not exceeding in the whole the sum of £2,000, and any money borrowed under this Order and discharged otherwise than by means of the sinking fund in this Order mentioned may be reborrowed from time to time if required for the purposes of this Order.

Appointment of receiver.

6. The mortgagees of the Board may enforce the payment of arrears of interest or of principal and interest due on their respective mortgages by the

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appointment of a receiver. The amount to authorize a requisition for a receiver shall be £200.

Application of money borrowed.

7. The money borrowed under this Order shall be expended in making, building, and erecting cranes, warehouses, weighing machines, sheds, and wharfinger's house only.

Money to be applied only for purposes of order.

8. Every part of the money borrowed under this Order shall be applied only for the purposes authorized by this Order.

Application of rates.

9. The Board shall apply all the rates received under this Order for the purposes and in the order following, and not otherwise; that is to say,—

1. In paying the costs of and connected with the preparation and making of this Order.
2. In paying the expenses of the maintenance, repair, management, and regulation of the pier, wharf, and landing place, and the approaches thereto, and of any buildings and works within the limits of this Order, and all outgoings in respect thereof.
3. In paying year by year the interest accruing on money borrowed under this Order.
4. In paying the cost of the works authorized by this Order.
5. In payment of principal money borrowed, or in creating a sinking fund for that purpose, in the manner and, so far as the nature and circumstances of the case will admit, in the proportion specified by "The Commissioners Clauses Act, 1847."

Rates to be revised from time to time.

10. The Board shall from time to time revise the rates receivable under this Order, so that the income of the Board under this Order may always be as far as practicable sufficient, and not more than sufficient, to meet the expenditure directed or authorized by this Order.

Powers of this Order to be exercised as other powers of Board.

11. No rates or funds by law authorized to be levied by or otherwise vested in the Board, other than the money and rates which may be levied or received by them under this Order, shall be applicable for any purpose hereby authorized; but, subject to this restriction and the other provisions of this Order and the Acts incorporated herewith, the powers and functions hereby vested in the Board shall be exercised and carried into effect by them as part of their general powers and functions, and with and subject to the like privileges, indemnities, and regulations.

Rates not to be applied for highways.

12. No rates received under this Order shall be applied in the repair or improvement of any of the highways of the parish of Gillingham other than the approaches to the pier, wharf, and landing place.

Publication of printed accounts.

13. The Board shall send, in every year, to the Board of Trade their printed statement and account within seven days after the same shall have been first open for inspection, and shall also within such seven days cause one copy thereof at least to be posted in some conspicuous place within the limits of this Order, and shall keep the same so posted for one calendar month at least.

Clauses of Harbours Act not incorporated.

14. The following sections of "The Harbours, Docks, and Piers Clauses Act, 1847," shall not be incorporated with this Order, namely sections 6 to 19 inclusive, and sections 25 and 26.

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15. Officers of Customs, being in the execution of their duty, shall at all times have free ingress, passage, and egress into, over, and from the pier, wharf, and landing place by land, and with their vessels, without payment. Officers of customs to have free access.

16. The Board shall have the appointment of meters and weighers on or in connexion with the pier, wharf, and landing place. Meters and weighers.

17. The Board shall at the outer extremity of their pier exhibit from sunset to sunrise such light, if any, as shall from time to time be directed by the Corporation of Trinity House Deptford Strond. Light to be exhibited.

18. Nothing in this Order shall prejudice or derogate from the rights, powers, liberties, jurisdictions, authorities, dues, franchises, and privileges of the Mayor and Corporation of the city of Rochester. Reservation of rights of Rochester Corporation.

19. This Order may be cited as "The Gillingham Pier Order, 1869." Short title.

Board of Trade, Whitehall,
Dated this 16th day of April 1869.

(Signed) C. Cecil Trevor,
Assistant Secretary.

SCHEDULE.

I. Rates on Passengers landing or embarking from the Pier, Wharf, or Landing Place.

	s.	*d.*
For every passenger who shall land on the said pier from or embark from it on board of any steam vessel, packet, or passage boat, not being an open boat, for each and every time any sum not exceeding - - - - - - - -	*0*	*0*½

II. Rates on Vessels using the Pier, Wharf, and Landing Place.

For every vessel under the burden of 15 tons, per ton - - -	*0*	*0*¾
For every vessel of the burden of 15 tons and upwards, per ton -	*0*	*1*

III. Rates on Meat, Cattle, and Goods, shipped or unshipped, received or delivered at the Pier, Wharf, and Landing Place.

1. *Meat.*

For every quarter of beef - - - - - -	*0*	*1*½
For every carcass of mutton, veal, lamb, kid, or pork - -	*0*	*1*
For every quantity of meat cut up of any weight not exceeding 28 pounds, free.		
Exceeding 28 pounds and not exceeding 56 pounds - -	*0*	*1*
Exceeding 56 pounds and not exceeding 112 pounds - -	*0*	*1*½
Exceeding 112 pounds and not exceeding 224 pounds -	*0*	*2*
Exceeding 224 pounds and not exceeding 336 pounds - -	*0*	*2*½
If exceeding 336 pounds then for every 28 pounds or part of 28 pounds - - - - - - -	*0*	*0*½

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2. *Cattle.*

	s.	*d.*
Bulls, each	*0*	*1½*
Cows and Oxen, each	*0*	*1*
Calves, each	*0*	*0¼*
Horses, each	*0*	*1*
Asses, each	*0*	*0½*
Pigs, each	*0*	*0¼*
Goats, each	*0*	*0½*
Sheep, per score	*0*	*3*
Lambs, per score	*0*	*1½*

3. *Goods.*

Ale and porter, per hogshead	*0*	*3*
Ale and porter, per barrel bulk	*0*	*1½*
Apples and all other fruit, per bushel	*0*	*0½*
Bark or cutch, per ton	*0*	*6*
Barrels, empty, each	*0*	*0¼*
Battens, per 120	*0*	*3*
Beef or Pork, per ton	*0*	*8*
Beef or pork, per barrel	*0*	*1*
Binders, per 100	*0*	*6*
Block stone, per ton	*0*	*2*
Blubber, per ton, 250 gallons	*0*	*6*
Bone dust, per ton	*0*	*4*
Bones of cattle, per ton	*0*	*3*
Bottles, per gross	*0*	*1*
Brass, per 112 pounds	*0*	*1*
Breeze, per chaldron	*0*	*1*
Bricks, per 1,000	*0*	*1½*
Builders' plant, per ton	*0*	*7*
Butter, per firkin	*0*	*0½*
Cabbages, per 112 pounds	*0*	*0½*
Casks, empty, not being returned, package per puncheon	*0*	*1*
Other casks not enumerated in proportion	*0*	*1*
Cement, per ton	*0*	*1½*
Chalk, per ton	*0*	*1½*
Cheese, per ton	*0*	*8*
Chimney pots, per 100	*0*	*8*
Clay fire manufactured, per ton	*0*	*3*
Clay, common, per ton	*0*	*1½*
Cloth, haberdashery, &c., per barrel bulk	*0*	*1*
Coaches, viz.:		
Chaises and other four-wheeled carriages, each	*0*	*4*
Gigs, carts, and other two-wheeled carriages, each	*0*	*3*
Coals, viz.:		
Scotch, English, smithy, and culm, per ton	*0*	*1½*

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		s.	d.
	Coke, per chaldron	0	1½
	Copper, per 112 pounds	0	1
	Corks, per barrel bulk	0	1
	Corn, viz.:		
	Wheat, malt, barley, beans, pease, tares, oats, rye, buck-wheat, and Indian corn, per quarter	0	1
	Crystal, per barrel bulk	0	1½
	Deals, per 120	0	4
	Dissolved bones and other artificial manures, per ton	0	4
	Drain pipes, per ton	0	2
	Drapery, per package	0	0½
	Drugs, per barrel bulk	0	1½
	Earthenware, per crate	0	4
	Earthenware, per crib	0	2
	Eggs, per box	0	1
	Flax and hemp, per ton	0	8
	Flints, per ton	0	1½
	Flour, per sack	0	1
	Flour, per barrel	0	0¾
	Floor boards, per square	0	1
	Glass, per barrel bulk	0	1½
	Gravel, per ton	0	1½
	Granite, per ton	0	1½
	Groceries, viz.:		
	Almonds, figs, cinnamon, currants, pepper, pimento, plums, prunes, raisins, and the like, per barrel bulk	0	1½
	Guano, per ton	0	2
	Guns, per ton	0	1½
	Gunpowder, per barrel	0	1½
	Hardware, per barrel bulk	0	1½
	Hay, per ton	0	4
	Hides, viz.:		
	Ox, cow, or horse, salted or dried, per ton	0	8
	Calf skins, per 120	0	5
	Sheep skins, per 120	0	5
	Lamb skins, per 120	0	2½
	Hoops of wood, per 1,000	0	3
	Hops, per 112 pounds	0	1
	Hoops, iron, per ton	0	2
	Household furniture, per barrel bulk	0	0½
	Husbandry utensils, per ton	0	8
	Husbandry utensils, per barrel bulk	0	1
	Iron, viz.:		
	Bar, bolt, and rod, per ton	0	2
	Pig or old, per ton	0	2
	Kelp, per ton	0	2

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	s.	d.
Lead of all kinds, per ton	0	2
Leather, tanned and dressed, per ton	0	6
Lime, per yard	0	1½
Limestone, per ton	0	1½
Loam or moulding sand, per ton	0	1½
Machinery, per ton	0	7½
Machinery, per barrel bulk	0	1½
Mangold wurtzell and other roots, per ton	0	1½
Manure, per ton	0	1½
Fish for manure, per ton	0	1½
Mast or spars, per load of 50 feet	0	6
Meal, per bag of 280 pounds	0	1
Nails, per 112 pounds	0	0½
Oils, per ton	0	6
Oil or other seed cake, per ton	0	1½
Ores, viz.:—		
Copper, iron, lead, and other ores, per ton	0	2
Passengers' luggage, not exceeding 4 barrels bulk free, all above 4 barrels bulk, per barrel bulk	0	1½
Peats, per ton	0	1½
Planks, per 120	0	6
Potatoes, per ton	0	1½
Rags of all kinds, and old ropes, per ton	0	2
Ragstone, per ton	0	1½
Rape and oil cakes, per ton	0	1½
Rope coil, per 112 pounds	0	0½
Sand, per ton	0	1½
Salt in bulk, per ton	0	1½
Seeds of all kinds not enumerated, per quarter	0	1
Shingle, per ton	0	1½
Skins, seal, per 120	0	3
Slates under size, per 1,200	0	4½
Slates, sizeable, per 1,200	0	5
Slates, over size, per 1,200	0	6
Soap, per 112 pounds	0	0½
Spirits, Foreign and British, per hogshead of 56 gallons	0	4
Spokes, per 100	0	0½
Stones, viz.:—		
Rubble, per ton	0	1½
Ashlar freestone, per ton	0	2
Pavement, per ton	0	2
Scythe stones, per score	0	0½
Mill stones, each	0	6
Gravestones, each	0	3
Grindstones, each	0	2
Steel, per ton	0	2

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		s.	*d.*
	Straw, per ton	*0*	*3*
	Sugar, per ton	*0*	*4*
	Tallow, per 112 pounds	*0*	*0½*
5	Tar, pitch, rezin, per barrel	*0*	*1*
	Tea, per chest	*0*	*1½*
	Timber, per load	*0*	*6*
	Tiles for roofing, per 1,000	*0*	*2*
	Tiles or pipes for land draining, per 1,000	*0*	*2*
10	Tin of all kinds, per ton	*0*	*8*
	Tobacco, per ton	*0*	*8*
	Treenails under 2 feet in length, per 1,000	*0*	*3*
	Treenails exceeding 2 feet in length, per 1,000	*0*	*6*
	Turpentine, per hogshead	*0*	*4*
15	Vinegar, per hogshead	*0*	*3*
	Vitriol, per carboy	*0*	*1*
	Whalebone, per ton	*1*	*3*
	Wine, per hogshead	*0*	*4*
	Wine, bottled, per barrel bulk	*0*	*2*
20	Wood, viz.:—		
	Fir, pine, and other descriptions not enumerated, per load of 50 feet	*0*	*6*
	Oak or wainscot, per load of 40 feet	*0*	*6*
	Firewood, wood, or burnwood, per fathom	*0*	*3*
25	Laths and lathwood, per fathom of 216 cubic feet	*1*	*3*
	Handspikes, per 120	*0*	*5*
	Oars, per 120	*1*	*3*
	Spars under 22 feet in length, above 2½ and under 4 inches diameter, per 120	*0*	*6*
30	Spars, of all lengths, above 4 and under 6 inches diameter, per 120	*2*	*6*
	Spars, 2½ inches in diameter and under, per 120	*0*	*3*
	Pipe staves, per standard hundred	*0*	*6*
	Herring barrel stave, per 1,000 feet	*0*	*4½*
35	Lignum vitæ, fustic, logwood, mahogany, and rosewood, per ton	*0*	*8*
	Wool, per 112 pounds	*0*	*1*
	Yarn, per ton	*0*	*3*
	Zinc, per ton	*0*	*2*
	All other goods not particularly enumerated in the above table, viz.:—		
40	Light goods, per barrel bulk	*0*	*1*
	Heavy goods, per ton	*0*	*6*

In charging the rates on goods, the gross weight or measurement of all goods to be taken; and for any less weights, measures, and quantities than those above specified, a proportion of the
45 respective rates shall be charged.

Five cubic feet not exceeding two and a half hundredweight to be rated as a barrel bulk.

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IV.—Rates for the Use of Sheds, Warehouses, Cranes, and Weighing Machines.

1. *Sheds and Warehouses.*

For each ton of goods of 8 barrels bulk, or of each ton of goods of twenty hundredweight, which shall remain in any shed or on the pier for a longer time than 48 hours, the sum of 3*d.*, and the sum of 1½*d.* per ton for each day during which such goods shall remain after the first 48 hours.

2. *Cranes.*

	s.	*d.*
All goods or packages not exceeding one ton - - -	*0*	*3*
Exceeding one ton, and not exceeding two tons, at per ton -	*0*	*4*
Exceeding two tons, and not exceeding three tons, at per ton -	0	*6*
Exceeding three tons, and not exceeding four tons, at per ton -	*0*	*8*
Exceeding four tons, and not exceeding five tons, at per ton -	*0*	*10*
Exceeding five tons, and not exceeding six tons, at per ton -	*1*	*0*
Exceeding six tons, and not exceeding seven tons, at per ton -	*1*	*2*
Exceeding seven tons, and not exceeding eight tons, at per ton	*1*	*4*
Exceeding eight tons, and not exceeding nine tons, at per ton -	*1*	*8*
Exceeding nine tons, and not exceeding ten tons, at per ton -	*2*	*0*
Exceeding ten tons, at per ton - - - - -	*3*	*0*

3. *Weighing Machines.*

For goods weighed, for each ton or part of a ton - - -	*0*	*1*

ROSSLARE.

Order for the construction, maintenance, and regulation of a Pier and Harbour at Rosslare, in Greenore Bay, in the County of Wexford.

Incorporation of Commissioners.

1. There shall be a body of Commissioners for carrying this Order into execution, not exceeding in number seven, which Commissioners and their successors are hereby for the purposes of this Order incorporated by the name of "The Rosslare Harbour Commissioners," and by that name shall be a body corporate, with perpetual succession, and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes, but subject to the restrictions of this Order (which Commissioners are in this Order called "the Commissioners").

2. The appointment of Commissioners shall be regulated as follows:—

Appointment of the several Commissioners.

(1.) The mayor of the borough of Wexford for the time being shall, as such, be a Commissioner.

(2.) The person for the time being representing the borough of Wexford in the Commons House of Parliament, shall, as such, be a Commissioner.

(3.) The Board of Trade may, if they think fit, appoint a person to be a Commissioner, and whenever a vacancy is caused by death, resignation, or otherwise, in the office of that Commissioner, they may, if they think fit, appoint another person to fill the vacancy, and so toties quoties.

(4.) The Waterford and Wexford Railway Company, acting by their Directors, shall, as soon as may be after the passing of the Act confirming this Order, appoint, from among the directors or other shareholders of the company, three persons to be Commissioners, and whenever a vacancy is caused by death, resignation, or otherwise, in the office of any one of those three Commissioners, that company, acting by their directors, shall appoint from among the directors or other shareholders of the company another person to fill the vacancy, and so toties quoties: Provided that each appointment of a Commissioner by the directors shall be determinable at any time by the company.

(5.) The Commissioners of Wexford Harbour shall, as soon as may be after the confirmation of this Order, appoint from among themselves a person to be a Commissioner, and whenever a vacancy is caused by death, resignation, or otherwise, in the office of that Commissioner, they shall appoint from among themselves another person to fill the vacancy, and so toties quoties.

Incorporation of parts of 10 & 11 Vict. c. 16.

3. "The Commissioners Clauses Act, 1847," (except sections 17 to 35 both inclusive) is hereby incorporated with this Order, and the same shall, as far as the nature and circumstances of the case will admit, apply to the Commissioners collectively and severally, subject to the following provisions:—

(1.) With reference to section 39 of this Act, the prescribed number (constituting a quorum) of the Commissioners shall be three

(2.) The Board of Trade shall, from time to time, appoint a permanent auditor of the accounts of the Commissioners, and fix the salary to be paid to him, and such salary shall be paid to him accordingly by the Commissioners out of the rates levied under this Order.

Commencement of powers.

4. The Commissioners shall be deemed fully constituted, and shall begin to act under this Order, as soon as two persons have been appointed Commissioners in addition to the two ex-officio Commissioners, and any proceeding of the Commissioners shall not be invalidated or be illegal by reason of the non-appointment of or any informality in the appointment of a Commissioner.

Undertakers.

5. The Commissioners shall be the undertakers of the works authorized by this Order.

Interpretation of deposited plans, &c.

6. The plans and sections deposited for the purposes of this Order, at the office of the Clerk of the Peace for the county of Wexford and elsewhere, are in this Order referred to as the deposited plans and sections.

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Power to take lands by agreement.

7. The Commissioners may from time to time, by agreement, enter on, take, and use such of the lands shown on the deposited plan, within the limits of deviation thereon marked, as they from time to time require for the purposes of this Order.

Incorporation of Lands Clauses Acts.

8. "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," except so much thereof respectively as relates to the purchase and taking of lands otherwise than by agreement, are hereby incorporated with this Order.

Power to execute works.

9. Subject to the provisions of this Order, and subject also to such alterations (if any) in the deposited plans or sections, as the Board of Trade require from time to time, before the completion of the works, in order to prevent injury to navigation, the Commissioners may, on the site designated by this Order, and according to the deposited plans and sections, and within the limits of deviation shown on those plans, execute and maintain the works shown on the deposited plans.

Description of works.

10. The works authorized by this Order comprise the following:—

(1.) A causeway, with retaining walls, extending seaward in a northerly direction from a point on the shore near high-water mark, for a distance of one hundred and forty-eight yards or thereabouts.

(2.) An open viaduct, extending in a northerly direction for three hundred and thirty yards from the seaward end of that causeway:

(3.) A pier, extending into the sea from the north end of that viaduct, and, after a curve to the westward for one hundred and seventy yards or thereabouts, continuing straight in a north-westerly direction for one hundred and eighty yards or thereabouts:

(4.) Wharves or landing places for enabling vessels to land and embark passengers, merchandise, cattle, coals, and other goods in the harbour:

together with all quays, jetties, approaches, warehouses, sheds, buildings, and other conveniences requisite for the use of the pier and works.

Limits of Commissioners powers.

11. The limits within which the Commissioners shall have authority (which shall be deemed the limits to which this Order extends) shall be the areas following; that is to say:

(A.) An area bounded by the following lines; namely,—

(1.) The line of the eastward and northward side of the causeway viaduct and pier from high-water mark till it intersects line No. 2.

(2.) So much of an imaginary straight line drawn from Carrick Perch touching the northward side of the pier as lies between the point of contact and line No. 3.

(3.) So much of an imaginary straight line drawn north-east by north (true) from Kilscoran Church as lies between line No. 2 and high-water mark on the shore.

(4.) The line of high-water mark on the shore between lines No. 1 and No. 3.

(B.) All the area below high-water mark on the eastward and northward side of the causeway viaduct and pier lying within a distance of 200 yards therefrom on the eastward and northward side thereof.

Rates in schedules.

12. Subject and according to the provisions of this Order the Commissioners may, for the use of the pier, harbour, and works, demand and take in respect of the vessels, persons, fish, animals, goods, and things described in the schedules to this Order, any sums not exceeding the several rates therein specified.

Commencement of rates.

13. Notwithstanding anything in any Act incorporated with this Order, the Commissioners may begin to demand and receive rates under this Order for the use of the pier and harbour as soon as it is certified, under the hand of a competent and impartial inspector appointed by the Board of Trade to inquire and report for the purpose, that the Commissioners have completed such portions of the pier and harbour works authorized by this Order as will afford convenient accommodation for the landing and embarking of passengers and goods, although all the works authorized by this Order are not completed. The inspector so appointed shall receive out of the rates levied under this Order such sum as the Board of Trade shall direct, and the same shall be paid by the Commissioners accordingly.

Certain fishing vessels under stress of weather exempt from rates.

14. Fishing vessels belonging to countries with which for the time being treaties exist exempting from duties and port charges such vessels when forced by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom, shall, when forced by stress of weather to make use of the pier and harbour authorized by this Order and not breaking bulk while making use thereof, be exempt from rates leviable under this Order.

Custom house officers exempt from rates.

15. Officers of customs being in the execution of their duty shall at all times have free ingress, passage, and egress on to, through, over, and from the pier, harbour, and works by land, and with their vessels, and otherwise without payment.

Remuneration of Commissioners.

16. The Commissioners may receive as remuneration for their services an annual sum not exceeding such an amount as shall from time to time be approved of by the Board of Trade, such annual sum shall be paid only out of the rates and other income received under this Order and not out of any other money, and shall be divided between the Commissioners as they from time to time determine among themselves.

Borrowing powers.

17. The Commissioners may, from time to time, borrow on mortgage such money as may be required for the purposes of this Order not exceeding in the whole the sum of eighty-five thousand pounds, on the security of the harbour and of the lands, works, and property connected therewith, and of the rates authorized by this Order, or of any of those particulars, or of any other property of the Commissioners.

Application of money borrowed.

18. The Commissioners shall apply all money borrowed by them under this Order for the purposes and in the order following; that is to say,

(1.) In payment of the costs of and connected with the preparation and making of this Order.

(2.) In paying the cost of the works authorized by this Order.

Application of money borrowed.

19. Every part of the money borrowed under this Order shall be applied only for the purposes authorized by this Order.

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Re-borrowing.

20. Any money borrowed under this Order, and discharged, otherwise than by means of a sinking fund or by instalments, may be re-borrowed, if required, for the purposes of this Order, and so toties quoties.

Receiver.

21. The mortgagees of the Commissioners may enforce the payment of arrears of interest, or of arrears of principal and interest, due to them on their respective mortgages, by the appointment of a receiver; and the amount to authorize a requisition for a receiver is eight thousand five hundred pounds.

Application of rates and moneys received by the Commissioners.

22. The Commissioners shall apply all money received by them from rates authorized by this Order, and all other income coming to their hands from the pier, harbour, and works authorized by this Order, or the lands or property connected therewith, for the purposes and in the order following, and not otherwise:—

(1.) In paying the expenses of the collection and receipt of rates and income the salary payable to the auditor and the sum payable to any inspector appointed by the Board of Trade, and the expenses of the maintenance, repair, management, and regulation of the pier, harbour, and works.

(2.) In paying year by year the interest accrued due on money borrowed under this Order:

(3.) In, from time to time, providing the instalments or creating a sinking fund for the repayment of money borrowed, in such manner, so far as circumstances will admit, that all money borrowed may be discharged within 50 years from the time of borrowing:

(4.) In paying any remuneration to the Commissioners properly payable under this Order:

(5.) In paying the cost of the works authorized by, and of lands or property acquired for the purposes of this Order, and the other expenses incurred for purposes authorized by this Order.

Commissioners to furnish accounts to Board of Trade.

23. The Commissioners shall, in the month of January in every year, furnish to the Board of Trade a statement, in such form as the Board of Trade from time to time direct, showing the income, expenditure, credits and liabilities, of the Commissioners, in and for the then last preceding year, and the total amount of capital expended by the Commissioners up to the expiration of that year.

Rates to be revised from time to time.

24. The Commissioners shall, from time to time, if required by the Board of Trade, revise the rates, tolls, and dues receivable under this Order, so that the income of the Commissioners under this Order may always be as far as practicable sufficient, and not more than sufficient, to meet the expenditure directed or authorized by this Order.

Power to dredge, &c.

25. The Commissioners, from time to time, may dredge and deepen Greenore, Ballygeary, or South Bay within the limits to which this Order extends, and may place and maintain moorings and buoys within those limits, and do all such lawful acts as they think necessary or proper for preventing or removing obstructions or impediments therein, and generally for preserving and facilitating the navigation within those limits; and the soil, gravel, and

other materials dredged up or removed within those limits shall become and be the property of the Commissioners, who may, from time to time, sell or otherwise dispose of the same, or remove and lay down the same within those limits, and afterwards, from time to time, again take up and remove and sell, or otherwise dispose of the same; and all money arising therefrom, after payment of the expenses connected therewith, shall be applied as rates received under this Order are applicable.

Commissioners may provide engines, lighters, &c.

26. The Commissioners may, for purposes of works authorized by this Order or other purposes of this Order, from time to time purchase, lease, hire, or otherwise provide such steam or other dredges, steam or other engines, steam tugs, steam or other vessels, diving bells, piling engines, dredging machines, ballast lighters, rubbish lighters, tools, plant, machinery, and things as they think fit, and may let the same for use, and may demand and receive for the use thereof such sums as they think reasonable.

Lights, buoys, and beacons.

27. The Commissioners shall be a local authority within the meaning of "The Merchant Shipping Act, 1854," and the Acts amending the same, and shall have all the powers conferred by those Acts on local authorities.

Meters and weighers.

28. The Commissioners shall have the appointment of meters and weighers on or in connexion with the pier and works.

Lands for extraordinary purposes.

29. The Commissioners shall not acquire for extraordinary purposes lands exceeding in extent in the whole three acres.

Confirmation of byelaws, and provision for management of harbour.

30. Byelaws made under this Order and "The Harbours, Docks, and Piers Clauses Act, 1847," shall not come into operation until allowed and confirmed by the Board of Trade, which allowance and confirmation shall be sufficient for all purposes; and it shall not be lawful for the Harbour Master, by virtue of section 52 of that Act, or of any other authority, or for the Commissioners, to give or cause to be given any direction respecting any matter mentioned in that section, or provided for in the byelaws, further or otherwise than as the byelaws expressly authorize him or them to do so.

Parts of Harbours, &c. Act excepted.

31. Sections 16, 17, 18, 19, and 26 of "The Harbours, Docks, and Piers Clauses Act, 1847," shall not be incorporated with this Order.

Appointment of meters and weighers.

32. The Commissioners shall have the appointment of meters and weighers on or in connexion with the pier and harbour.

Light to be exhibited.

33. The company shall at the outer extremity of the pier and works authorized by this order, exhibit from sunset to sunrise such light (if any) as shall from time to time be directed by the Commissioners of Irish Lights.

Saving for Corporations, &c.

34. Nothing in this order shall take away or abridge any right, privilege, power, jurisdiction or authority, given or reserved to any person or corporation by any local or special Act of Parliament, without the consent in writing of such person or corporation.

Saving rights under "Crown Lands Act, 1866."

35. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade by "The Crown Lands Act, 1866," nor shall any works under this Order be commenced within limits affected by any such

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rights, interests, powers, authorities, or privileges, without the assent of the Board of Trade having been first obtained.

Short title.

36. This Order may be cited as "The Rosslare Harbour Order, 1869."

Board of Trade, Whitehall,
Dated this 19th day of April 1869.

(Signed) C. CECIL TREVOR,
Assistant Secretary.

SCHEDULE to which the foregoing Order refers.

I.—RATES ON VESSELS USING THE PIER OR HARBOUR.

	s.	*d.*
For every vessel under the burden of 15 tons, per ton	*0*	*4*
For every vessel of the burden of 15 tons and under 50 tons, per ton	*0*	*6*
For every vessel of the burden of 50 tons and under 100 tons, per ton	*0*	*8*
For every vessel of the burden of 100 tons and under 150 tons, per ton	*0*	*10*
For every vessel of the burden of 150 tons and upwards, per ton	*1*	*0*
All lighters for each trip, per ton	*0*	*6*
All boats entirely open, landing or taking on board goods, each	*0*	*6*

II.—RATES OF GOODS SHIPPED OR UNSHIPPED AT THE PIER OR HARBOUR.

Ale, beer, and porter, per hogshead	*0*	*6*
Ale (bottled), per barrel	*0*	*4*
Ditto, per dozen bottles	*0*	*1*
Anchors, per cwt.	*0*	*9*
Anchor stock, per foot run	*0*	*2*
Bark, per ton	*2*	*0*
Bedding, per bundle	*0*	*3*
Beef or pork, per cwt.	*0*	*3*
Beef or pork, per barrel	*0*	*6*
Biscuit or bread, per cwt.	*0*	*3*
Blubber, per ton of 252 gallons	*3*	*0*
Bones and bone dust, per ton	*1*	*6*
Bottles, per gross	*0*	*9*
Bricks, per 1,000	*1*	*6*
Butter and lard, per barrel	*0*	*6*
Ditto, per firkin	*0*	*3*
Cables, iron or hempen, per ton	*3*	*0*
Canvas, per bolt	*0*	*1*
Casks (empty) not being returned packages, per puncheon	*0*	*3*
Other casks in proportion.		

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		s.	*d.*
	Cattle:		
	Bulls, Cows, and oxen, each	*3*	*0*
	Calves, each	*1*	*0*
5	Horses, each	*4*	*0*
	Pigs, each	*0*	*6*
	Sheep, each	*1*	*0*
	Chalk, per ton	*1*	*0*
	Cheese, per cwt.	*0*	*4*
10	Chimney pots, each	*0*	*3*
	Clay, per ton	*1*	*0*
	Cloth, haberdashery, &c., per package not exceeding cwt.	*0*	*6*
	Carriages:		
	Chaises and other four-wheeled carriages, each	*7*	*6*
15	Gigs, carts, and other two-wheeled carriages, each	*5*	*0*
	Hand-carts and perambulators, each	*1*	*0*
	Coals, per ton	*1*	*0*
	Copper, per ton	*3*	*0*
	Cordage, per cwt.	*0*	*3*
20	Cork, per cwt.	*0*	*6*
	Crystal, per box or package	*0*	*6*
	Dogs, each	*0*	*6*
	Drugs (in casks, hampers, or boxes), per foot	*0*	*2*
	Earthenware (in casks, hampers, or boxes), per foot	*0*	*2*
25	Earthenware (in crates), per foot	*0*	*1*
	Eggs, per box	*0*	*3*
	Fish (dried and salted), per cwt	*0*	*3*
	Ditto, fresh (not enumerated), per cwt.	*0*	*2*
	Flax, per ton	*2*	*0*
30	Flour and meal, per sack	*0*	*4*
	Ditto, per barrel	*0*	*3*
	Fruit, per bushel or sieve	*0*	*4*
	Furniture (household), per 5 cubic feet	*0*	*4*
	Glass, per large crate	*1*	*6*
35	Ditto, per small crate or case	*1*	*0*
	Ditto, per box	*0*	*6*
	Grains and seeds, per quarter	*0*	*6*
	Groceries (not enumerated)	*0*	*6*
	Guano, per ton	*1*	*6*
40	Gunpowder, per barrel or keg	*0*	*6*
	Hams, bacon, or tongues, per cwt.	*0*	*4*
	Hardware, per ton	*2*	*6*
	Hares and rabbits, per dozen	*0*	*4*
	Hay, per ton	*1*	*6*
45	Ditto, per truss	*0*	*2*
	Hemp, per ton	*2*	*0*
	Herrings (fresh), per 1,000	*0*	*3*
	Ditto (cured), per barrel	*0*	*3*

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	s.	d.
Hides:		
Ox, cow, or horse (wet or dry), each	0	2
Iron:		
Bar, bolt, rod, and shots, per ton	1	6
Pig and old, per ton	1	0
Manufactured, per ton	2	6
Pots, each	0	1
Kelp, per ton	2	0
Lead, per ton	2	6
Leather, tanned and dressed, per cwt.	0	3
Lime, per 28 bushels	1	4
Limestone, per ton	1	0
Machinery, per ton	2	6
Manure (not enumerated), per ton	1	0
Masts and spars, 10 inches in diameter and upwards, each	4	6
Ditto, under 10 inches	3	0
Meat (fresh), per cwt.	0	6
Milk, per gallon	0	0½
Musical instruments, per cube foot	0	1
Nets, per 5 cubic feet	0	4
Oakum, per cwt.	0	2
Oils, per tun	2	0
Oilcake, per ton	2	0
Oranges and lemons, per box	0	6
Ores, per ton	1	0
Oysters, per bushels	0	3
Paint, per cwt.	0	4
Pitch and tar, per barrel	0	6
Potatoes, per cwt.	0	2
Poultry and game, per dozen	0	4
Rags and old rope, per ton	2	0
Sails, per cwt.	0	6
Salt, per cwt.	0	1
Sand, per ton	1	0
Shrimp baskets, each	0	2
Skins:		
Calf, goat, sheep, lamb, or dog, per dozen	0	6
Slates, per ton of 24 cubic feet	2	0
Spirits (Foreign or British), per hogshead	1	0
Ditto, ditto, per gallon	0	1
Stones, per ton of 16 cubic feet	1	6
Steel, per ton	3	0
Sugar, per cwt.	0	3
Tallow, soap, and candles, per cwt.	0	3
Tea, per chest	1	0
Tiles, per 1,000	1	6
Tin and zinc, per ton	3	0

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	s.	d.
Tobacco, per cwt.	1	6
Turbot, per score	0	3
Turnips, per ton	0	6
Turpentine and varnish, per barrel	0	6
Turtle, each	2	6
Vegetables (not enumerated), per cwt.	0	4
Vinegar, per hogshead	0	6
Vitriol, per carboy	1	0
Water, per cask	0	3
Wine, per hogshead	1	0
Ditto, bottled, per dozen bottles	0	2
Wood:		
Fir, pine, and other descriptions, not enumerated, per load of 50 feet	1	6
Oak or wainscoat, per load of 50 feet	2	0
Firewood, per 216 cubic feet fathom	1	6
Laths and lathwood, per fathom of 216 cubic feet	2	6
Handspikes, per 120	3	0
Oars, per 120	5	0
Spars under 22 feet in length, above 2½ and under 4 inches in diameter, per 120	5	0
Ditto, 2½ inches in diameter and under, per 120	4	0
Ditto, 22 feet in length and upwards, and not exceeding 4 inches in diameter, per 120	9	0
Ditto, above 4 and under 6 inches in diameter, per 120	14	0
Spokes of wheels not exceeding 2 feet in length, per 120	2	0
Ditto, exceeding 2 feet in length, per 120	3	0
Trenails, per 1,000	2	6
Wedges, per 1,000	2	6
Pipe staves, and others in proportion, per 120	2	6
Lignum vitæ, fustic, logwood, mahogany, and rosewood, per ton	2	0
Wool, per cwt.	0	4
Yarn, cwt.	0	2

All other goods not particularly enumerated above.

Light goods, per cube foot	0	1
Heavy goods, per ton	2	0

In charging the rates on goods, the gross weight or measurement of all goods to be taken; and for any less weights, measures, and quantities than those above specified, a portion of the respective rates shall be charged.

III.—Rates for use of Weighing Machines.

For goods weighed, for each ton or part of a ton	0	2

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IV.—RATES ON PASSENGERS AND PROMENADERS USING THE PIER.

	s.	*d.*
For every passenger or other person who shall land on the pier from, or embark from it on board of, any ship, vessel, packet, or passage boat, for each time any sum not exceeding - -	*0*	*6*
For every person who shall use the pier for the purpose of walking for exercise, pleasure, or any other purpose, except for embarking or disembarking, for each time any sum not exceeding - -	*0*	*4*
For every bath or sedan chair taken on the pier, for each time any sum not exceeding - - - - - - -	*0*	*6*
For every perambulator taken on the pier, for each time any sum not exceeding - - - - - - - -	*0*	*2*
For every master of any vessel, boat, or wherry, being an inhabitant of the parish of Kilscoran, and using the said pier for the purpose of going to or returning from his own vessel, boat, or wherry, an annual sum not exceeding - - - - -	*20*	*0*

V.—RATES ON PASSENGERS' LUGGAGE.

For every trunk, portmanteau, box, parcel, or other package within the description of luggage, not exceeding 28 lbs. - -	*0*	*2*
Over 28 lbs. and not exceeding 84 lbs. - - - -	*0*	*4*
Over 84 lbs. and not exceeding 112 lbs. - - -	*0*	*5*
Over 112 lbs. and not exceeding 140 lbs. - - - -	*0*	*6*
Over 140 lbs. and not exceeding 196 lbs. - - - -	*0*	*7*
Over 196 lbs. and not exceeding 2 cwt. - - - -	*0*	*8*
And for every cwt. beyond - - - - -	*0*	*4*
And for every 20 lbs. weight in addition - - - -	*0*	*1*

SAINT JUST.

Order for the Construction, Maintenance, and Regulation of a Harbour and Pier at Saint Just, in the county of Cornwall.

Incorporation of Company.

1. The following persons, namely, Albertus Henry Dennis Vivian, John Boyns, Alfred William Ray, and John Rule Daniell, and all other persons and corporations subscribing to the undertaking authorized by this Order, and their executors, administrators, successors, and assigns respectively, shall be and are hereby constituted into a Company for the purpose of making, maintaining, and regulating the harbour and works authorized by this Order, and for those purposes shall be and are hereby incorporated by the name "The Saint Just Harbour and Pier Company," and by that name shall be one body corporate, with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes, but subject to the restrictions, of this Order.

Undertakers.

2. The Saint Just Harbour and Pier Company, in this Order called the Company, shall be the undertakers of the works authorized by this Order.

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Incorporation of Clauses Acts.

3. "The Companies Clauses Consolidation, Act, 1845," "The Lands Clauses Consolidation Acts, 1845 and 1860," except so much as relates to the purchase or taking of lands otherwise than by agreement, and Part I. of "The Companies Clauses Act, 1863," shall respectively be incorporated with this Order.

Capital.

4. The capital of the Company shall be seventy thousand pounds, in seven thousand shares of ten pounds each.

Shares not to be issued until one-fifth paid up.

5. The Company shall not issue any share created under the authority of this Order, nor shall any such share vest in the person accepting the same, unless and until a sum not being less than one-fifth part of the amount of such share has been paid in respect thereof.

Calls.

6. No call shall exceed two pounds a share or be made payable within three months of a previous call.

Power to create preference shares.

7. The Company, with the sanction of at least three-fifths in value of the votes of the shareholders present in person or by proxy at a general meeting specially convened for that purpose, may attach to all or any of the then unissued shares, not exceeding one-third part of the capital, dividend at a rate not exceeding five pounds per centum per annum, in priority to the dividend on the other shares of the capital.

Borrowing on mortgage.

8. The Company from time to time may borrow on mortgage at interest any sum or sums of money not exceeding in the whole seventeen thousand five hundred pounds; but no money shall be so borrowed until the whole of the capital of seventy thousand pounds is subscribed for and taken and one-half thereof is paid up, and the Company satisfy the justice who certifies under section forty of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that the whole of the capital has been issued and accepted, and that one-half thereof has been paid up, and that not less than one-fifth part of the amount of each separate share has been paid on account thereof before or at the time of the issue or acceptance thereof, and that the capital was issued bonâ fide, and is held by registered holders thereof legally liable for so much thereof as is not paid up (of which satisfaction the certificate shall be conclusive evidence).

Receiver.

9. The mortgagees of the Company may enforce the payment of the arrears of interest, or of principal and interest, due on their respective mortgages by the appointment of a receiver, and the amount to authorize a requisition for a receiver is one thousrnd seven hundred pounds.

No interest or dividend on calls.

10. The Company shall not out of any money raised by calls or borrowing pay interest or dividend to any shareholder on the amount called up in respect of shares held by him; but this provision shall not prevent the Company paying to any shareholder interest on money advanced by him beyond the amount of calls actually made as may be in conformity with "The Companies Clauses Consolidation Act, 1845."

Money not to be used for deposit under Standing Order,

11. The Company shall not out of any money so raised pay or deposit any money required to be paid or deposited in relation to any application to Parliament or the Board of Trade.

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Money to be applied for purposes of Order.

12. Every part of the money so raised shall be applied only for the purposes authorized by this Order.

First general meeting.

13. The first general meeting of the Company shall be held within twelve months after the passing of an Act of Parliament confirming this Order, at such time and place as the directors determine.

Number of directors.

14. The number of directors shall not be more than seven nor less than four.

Quorum of directors.

15. The quorum of a meeting of directors shall be three.

First directors.

16. Albertus Henry Dennis Vivian, John Boyns, Alfred William Ray, and John Rule Daniel, with such other shareholders (if any) as they add to their number, shall be the first directors, and the first directors shall continue in office till the first general meeting of the Company, when they shall retire from office, and directors shall be elected by the meeting, the retiring directors being eligible for re-election.

Qualification.

17. The qualification of a director elected by the shareholders, or nominated as aforesaid, shall be the holding in his own right of shares in the capital of the Company to the aggregate nominal amount of at least one hundred pounds.

Remuneration.

18. The remuneration of the directors shall from time to time be fixed by a general meeting, and shall be divided among the directors as they determine.

Power to take lands by agreement.

19. For the purposes of the works authorized by this Order, the Company may from time to time, by agreement, enter on, take, and use all or such parts of the lands shown on the plans deposited for the purposes of this Order as they think requisite for the purposes of the proposed Harbour, Pier, and works, and the conveniences connected therewith.

Lands for extraordinary purposes.

20. The Company may purchase and hold for extraordinary purposes any land not exceeding in the whole twenty acres.

Power to make works.

21. Subject to the provisions of this Order, and subject also to such alterations (if any) in the deposited plans as the Board of Trade require from time to time before the completion of the works, in order to prevent injury to navigation, the Company may, on the lands taken by them under this Order, in the lines and according to the levels shown on the deposited plans and sections (so far as the same are shown thereon), and within the limits of deviation shown on those plans, make and maintain the Harbour, Pier, and works authorized by this Order.

Description of works authorized.

22. The works authorized comprise the following:

(1.) A Harbour and basin occupying the site of the beach called "Pornenven Beach," between Bollowal Cliff on the north and Letcher Cliff on the south, bounded on the west by a pier or breakwater extending from under Bollowal Cliff in a southerly direction a length of about one hundred and seventy feet towards the Crow Rock, called pier No. 1; and another pier or breakwater, extending from

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under Letcher Cliff about one hundred and twenty feet in a northerly direction towards the south extremity of the before-mentioned pier No. 1, and called pier No. 2; on the south by a wharf about two hundred and fifty-five feet in length, extending in an easterly direction from the south end of pier No. 2, and called wharf No. 1; on the east by a wharf about two hundred and thirty feet in length, extending across Pornenven Beach in a northerly direction from the eastern end of wharf No. 1, and called wharf No. 2; on the north-east by a wharf about two hundred and fifty feet in length, extending in a north-westerly direction along the line of Bollowal Cliff from the northern extremity of wharf No. 2, and called wharf No. 3; on the north-west by a wharf about one hundred and thirty feet in length, extending from the north-west end of wharf No. 3 to the north end of pier No. 1, and called wharf No. 4;

(2.) A pier or breakwater extending in a westerly direction from or near the south end of pier No. 2, the north face being about two hundred and twenty-five feet in length, and the south face about four hundred and ten feet in length, and called pier No. 3:

(3.) A pier or breakwater extending from a point under Bollowal Cliff about three hundred and forty feet north-west of the north-west end of wharf No. 3 in a south-westerly direction about seven hundred feet in length, and called pier No. 4.

Additional works.

23.—The Company may also make, execute, and maintain the following works authorized by this Order:—

(1.) All embankments, piers, jetties, piles, wharves, loading-berths, landing-places, roads, approaches, warehouses, sheds, and other works and convenieneces in and connected with the harbour and pier before described; and

(2.) The sufficient and effectual dredging, scouring, cleansing, and removing of any banks of sand, shingle, or mud within or adjoining the harbour and works or in the approaches to the harbour.

Limits of harbour.

24.—The limits within which the Company shall have authority, and which shall be deemed the limits to which the provisions of this Order extend, shall comprise the whole of the space within fifty fathoms outside the outer face of pier No. 3 and pier No. 4 and a line drawn from the outer extremity of pier No. 3 to the outer extremity of pier No. 4.

Power to take rates in Schedule.

25.—The Company may for the use of the harbour, pier, and works demand and take, in respect of the vessels, persons, fish, animals, and goods in the Schedule hereto annexed, any sums not exceeding the rates in that Schedule specified.

Certain fishing vessels under stress of weather exempt from rates.

26.—Fishing vessels belonging to countries with which for the time being treaties exist exempting from duties and port charges such vessels, when forced by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom, shall, when forced by stress of weather to make use of the

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harbour and pier authorized by this Order, and not breaking bulk while making use thereof, be exempt from rates leviable under this Order.

Exemption of Custom House officers from rates.

27.—Officers of Customs, being in the execution of their duty, shall at all times have free ingress, passage, and egress into and over the harbour, pier, and works by land and with their vessels without payment.

Steam engines, lighters, &c.

28.—The Company may provide and use such steam engines, steam vessels, piling engines, diving bells, ballast lighters, rubbish lighters, barges, boats, cranes, buoys, mooring posts, mooring craft, weighing machines, tackle, and other machinery, vessels, apparatus, and conveniences as they think proper for carrying on the business of the Company, or for any of the purposes of this Order, and may demand and take such sums for the use thereof as they think reasonable.

Meters and weighers.

29.—The Company shall have the appointment of meters and weighers on or in connection with the harbour and pier.

Restriction on use of pier.

30. Nothing in this Order shall entitle any person with any vessel or boat to ship or unship at the pier authorized by this Order any sheep, cattle, or merchandise, or to ship or unship there anything which, in the judgment of the Company, might in any manner interfere with the use of the pier for the embarking or landing of passengers.

Light to be exhibited.

31.—The Company shall, at the outer extremity of the pier and works authorized by this Order, exhibit from sunset to sunrise such light (if any) as shall from time to time be directed by the corporation of Trinity House, Deptford Strond.

Saving rights under Crown Lands Act, 1866.

32.—This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade by "The Crown Lands Act, 1866," nor shall any works under this Order be commenced within limits affected by any such rights, interests, powers, authorities, or privileges, without the assent of the Board of Trade having been first obtained.

Short title.

33.—This Order may be cited as "The Saint Just Harbour and Pier Order, 1869."

Board of Trade, Whitehall.
Dated this 8th day of April 1869.

(Signed) C. CECIL TREVOR,
Assistant Secretary.

SCHEDULE to which the foregoing Order refers.

I.—RATES ON VESSELS USING THE HARBOUR OR PIER.

	s.	*d.*
For every vessel under the burden of 15 tons, per ton - - -	*0*	*4*
For every vessel of the burden of 15 tons and under 50 tons, per ton	*0*	*6*
For every vessel of the burden of 50 tons and under 100 tons, per ton	*0*	*8*

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	s.	d.
For every vessel of the burden of 100 tons and under 150 tons, per ton	0	10
For every vessel of the burden of 150 tons and upwards, per ton	1	0
All lighters, for each trip, per ton	0	2
All boats, entirely open, landing or taking on board goods, each	0	6
All boats belonging to the Harbour engaged in the seine fishery, per annum	20	0
All boats not belonging to the Harbour engaged in the seine fishery, per month, to be paid in advance	7	6
All boats engaged in hook and line fishery, per annum	10	0

II.—Rates on Goods shipped or unshipped at the Pier.

Ale, beer, and porter, per hogshead	0	6
Ale (bottled), per barrel	0	4
Ditto, per dozen bottles	0	9
Anchors, per cwt.	0	1
Anchor stock, per foot run	0	2
Bark, per ton	2	0
Bedding, per bundle	0	3
Beef or pork, per cwt.	0	3
Ditto, per barrel	0	6
Biscuit or bread, per cwt.	0	3
Blubber, per ton of 252 gallons	3	0
Bones and bone dust, per ton	1	6
Bottles, per gross	0	9
Bricks, per 1,000	1	6
Butter and lard, per barrel	0	6
Ditto, per firkin	0	3
Cables, iron or hempen, per ton	3	0
Canvas, per bolt	0	1
Casks (empty), not being return packages, per puncheon	0	3
Other casks in proportion.		
Cattle :		
Bulls, cows, and oxen, each	3	0
Calves, each	1	0
Horses, each	4	0
Pigs, each	0	6
Sheep, each	1	0
Chalk, per ton	1	0
Cheese, per cwt.	0	4
Chimney pots, each	0	3
Clay, per ton	1	0
Cloth, haberdashery, &c., per package not exceeding cwt.	0	6
Carriages :		
Chaises and other four-wheeled carriages, each	7	6
Gigs, carts, and other two-wheeled carriages, each	5	0
Hand-carts and perambulators, each	1	0

A.D. 1869.

	s.	d.
Coals, per ton	1	0
Copper, per ton	3	0
Cordage, per cwt.	0	3
Cork, per cwt.	0	6
Corpses, each	20	0
Crystal, per box or package	0	6
Dogs, each	0	6
Drugs (in casks, hampers, or boxes), per foot	0	2
Earthenware (in casks, hampers, or boxes), per foot	0	2
Earthenware (in crates), per foot	0	1
Eggs, per box	0	3
Fish, per hogshead, each way, in and out	2	6
Flax, per ton	2	0
Flour and meal, per sack	0	4
Ditto, per barrel	0	3
Fruit, per bushel or sieve	0	4
Furniture (household), per 5 cubic feet	0	4
Glass, per large crate	1	6
Ditto, per small crate or case	1	0
Ditto, per box	0	6
Grains and seeds, per quarter	0	6
Groceries not (enumerated)	0	6
Guano, per ton	1	6
Gunpowder, per barrel or keg	0	6
Hams, bacon, or tongues, per cwt.	0	4
Hardware, per ton	2	6
Hares and rabbits, per dozen	0	4
Hay, per ton	1	6
Ditto, per truss	0	2
Hemp, per ton	2	0
Herrings (fresh), per 1,000	0	3
Ditto (cured), per barrel	0	3
Hides, ox, cow, or horse (wet or dry), each	0	2
Iron:		
Bar, bolt, rod, and shots, per ton	1	6
Pig and old, per ton	1	0
Manufactured, per ton	2	6
Pots, each	0	1
Kelp, per ton	2	0
Lead, per ton	2	6
Leather (tanned and dressed), per cwt.	0	3
Lime, per 28 bushels	1	4
Limestone, per ton	1	0
Machinery, per ton	2	6
Manure (not enumerated), per ton	1	0
Masts and spars, 10 inches in diameter and upwards, each	4	6
Ditto, under 10 inches	3	0

A.D. 1869.

		s.	d.
	Meat (fresh), per cwt.	0	6
	Milk, per gallon	0	0½
	Musical instruments, per cube foot	0	1
5	Nets, per 5 cube feet	0	4
	Oakum, per cwt.	0	2
	Oils, per ton	2	0
	Oil cake, per ton	2	0
	Oranges and lemons, per box	0	6
10	Ores, per ton	1	0
	Oysters, per bushel	0	3
	Paint, per cwt.	0	4
	Pitch and tar, per barrel	0	6
	Potatoes, per cwt.	0	2
15	Poultry and game, per dozen	0	4
	Rags and old rope, per ton	2	0
	Sails, per cwt.	0	6
	Salt, per cwt.	0	1
	Sand, per ton	1	0
20	Shrimp baskets, each	2	0
	Skins:		
	Calf, goat, sheep, lamb, or dog, per dozen	0	6
	Slates, per ton of 24 cubic feet	2	0
	Spirits (Foreign or British), per hogshead	1	0
25	Ditto, ditto, per gallon	0	1
	Stone, per ton of 16 cubic feet	1	6
	Steel, per ton	3	0
	Sugar, per cwt.	0	3
	Tallow, soap, and candles, per cwt.	0	3
30	Tea, per chest	1	0
	Tiles, per thousand	1	6
	Tin and zinc, per ton	3	0
	Tobacco, per cwt.	0	6
	Turbot, per score	0	3
35	Turnips, per ton	0	6
	Turpentine and varnish, per barrel	0	6
	Turtle, each	2	6
	Vegetables (not enumerated), per cwt.	0	4
	Vinegar, per hogshead	0	6
40	Vitriol, per carboy	1	0
	Water, per cask	0	3
	Wine, per hogshead	1	0
	Ditto, bottled, per dozen bottles	0	2
	Wood:		
45	Fir, pine, and other descriptions not enumerated, per load of 50 feet	1	6
	Oak or wainscot, per load of 50 feet	2	0

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	s.	d.
Firewood, per 216 cubic feet fathom	1	6
Laths and lathwood, per fathom of 216 cubic feet	2	6
Handspikes, per 120	3	0
Oars, per 120	5	0
Spars under 22 feet in length, above 2½ and under 4 inches in diameter, per 120	5	0
Ditto 2½ inches in diameter and under, per 120	4	0
Ditto 22 feet in length and upwards, and not exceeding 4 inches in diameter, per 120	9	0
Ditto above 4 and under 6 inches in diameter, per 120	14	0
Spokes of wheels not exceeding 2 feet in length, per 120	2	0
Ditto exceeding 2 feet in length, per 120	3	0
Trenails, per 1,000	2	6
Wedges, per 1,000	2	6
Pine staves (and others in proportion) per, 120	2	6
Lignum vitæ, fustic, logwood, mahogany, and rosewood, per ton	2	0
Wool, per cwt.	0	4
Yarn, per cwt.	0	2

ALL OTHER GOODS NOT PARTICULARLY ENUMERATED ABOVE.

Light goods, per cubic foot	0	1
Heavy goods, per ton	2	0

In charging the rates on goods the gross weight or measurement of all goods to be taken, and for any less weight, measures, and quantities than those above specified a portion of the respective rates shall be charged.

III.—RATES FOR USE OF CRANES, WEIGHING MACHINERY, AND SHEDS.

1st.—Rates of Craneage.

| | | |

3rd.—Shed Dues. *s.* *d.*

For each ton of goods of 40 cubic feet, and for each ton of goods of 20 cwt., which shall remain in the sheds or other works of the pier for a longer time than 48 hours, the sum of *3d.*; and the sum of *1½d.* per ton for each day during which such goods shall remain after the first 48 hours.

For any portmanteau, trunk, parcel, or other article of passengers' luggage, for each day, or part of a day, per package - - - *0* *2*

IV.—Rates for Supply of Water on Piers.

Water, per 1,000 gallons - - - - - *10* *0*

V.—Rates on Passengers' Luggage.

For every trunk, portmanteau, box, parcel, or other package within the description of luggage, not exceeding 28 lbs. - - -	*0*	*2*
Over 28 lbs. and not exceeding 84 lbs. - - - -	*0*	*4*
„ 84 lbs. „ 112 lbs. - - - -	*0*	*5*
„ 112 lbs. „ 140 lbs. - - - -	*0*	*6*
„ 140 lbs. „ 196 lbs. - - - -	*0*	*7*
„ 196 lbs. „ 2 cwt. - - - -	*0*	*8*
And for every cwt. beyond - - - -	*0*	*4*
And for every 20 lb. in weight in addition - - - -	*0*	*1*

Pier and Harbour Orders Confirmation.

A

BILL

[AS AMENDED BY THE SELECT COMMITTEE]

For confirming certain Provisional Orders made by the Board of Trade under The General Pier and Harbour Act, 1861, relating to Clifton-ville, Gillingham, Rosslare, and Saint Just.

(*Prepared and brought in by Mr. Lefevre and Mr. John Bright.*)

Ordered, by The House of Commons, *to be Printed*, 10 *June* 1869.

[Bill 157.]

Under 5 *oz.*

A

BILL

[AS AMENDED BY THE SELECT COMMITTEE AND ON RE-COMMITMENT]

FOR

Confirming certain Provisional Orders made by the Board of Trade under The General Pier and Harbour Act, 1861, relating to Cliftonville, Gillingham, Rosslare, Saint Just, Fowey, and Padstow. A.D. 1869.

WHEREAS a provisional order made by the Board of Trade under The General Pier and Harbour Act, 1861, is not of any validity or force whatever until the confirmation thereof by Act of Parliament: Preamble. 24 & 25 Vict. c. 45.

And whereas it is expedient that the several provisional orders made by the Board of Trade under the said Act, and set out in the schedule to this Act, be confirmed by Act of Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. The several orders set out in the schedule to this Act shall be and the same are hereby confirmed, and all the provisions thereof in manner and form as they are set out in the said schedule shall, from and after the passing of this Act, have full validity and force. Confirmation of orders in schedule.

2. This Act may be cited as The Pier and Harbour Orders Confirmation Act, 1869. Short title.

A.D. 1869.

The SCHEDULE OF ORDERS.

1. CLIFTONVILLE.—Construction of a pier.
2. GILLINGHAM.—Power to levy rates at existing pier.
3. ROSSLARE.—Construction of a pier.
4. SAINT JUST.—Construction of a harbour and piers.
5. FOWEY.—Improvement and regulation of harbour.
6. PADSTOW.—Improvement of harbour.

Cliftonville.

CLIFTONVILLE.

Order for the construction, maintenance, and regulation of a Pier at Cliftonville, in the parish of Hove, in the county of Sussex.

Incorporation of Company.

1.—The following persons, namely, James Easton the younger, Edward Easton, William Anderson, and all other persons and corporations subscribing to the undertaking authorized by this Order, and their executors, administrators, successors, and assigns respectively, shall be and are hereby constituted into a Company for the purpose of making, maintaining, and regulating the pier and works authorized by this Order, and for those purposes shall be and are hereby incorporated by the name of "The Cliftonville Pier Company," and by that name shall be one body corporate with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other proporty for the purposes, but subject to the restrictions of this Order.

Undertakers.

2.—The Cliftonville Pier Company, in this Order called the Company, shall be the undertakers of the works authorized by this Order.

Incorporation of Clauses Acts.

3.—"The Companies Clauses Consolidation Act, 1845," and Part I. of "The Companies Clauses Act, 1863," are hereby incorporated with this Order; and the words "special Act" in such Acts mentioned shall apply to and include this Order.

Capital.

4.—The capital of the Company shall be twenty-five thousand pounds in two thousand five hundred shares of ten pounds each.

Shares not to be issued until one-fifth paid up.

5.—The Company shall not issue any share created under the authority of this Order, nor shall any such share vest in the person accepting the same, unless and until a sum not being less than one fifth part of the amount of such share has been paid up in respect thereof.

Calls.

6.—No call shall exceed two pounds ten shillings a share, or be made payable within three months of a previous call.

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Cliftonville.

Power to create preference shares.

7.—The Company, with the sanction of at least three fifths in value of the votes of the shareholders present in person or by proxy at a general meeting specially convened for that purpose, may attach to all or any of the then unissued shares, not exceeding one third part of the capital, dividend at a rate not exceeding five pounds per centum per annum, in priority to the dividend on the other shares of the capital.

Borrowing on mortgage.

8.—The Company from time to time may borrow on mortgage, at interest, any sum or sums of money not exceeding in the whole six thousand five hundred pounds, but no money shall be so borrowed until the whole of the capital of twenty-five thousand pounds is subscribed for, and one half thereof is paid up, and the Company satisfy the Justice, who certifies under section 40 of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that the whole of the capital has been issued and accepted, and that one half thereof has been paid up, and that not less than one fifth part of the amount of each separate share has been paid on account thereof before or at the time of the issue or acceptance thereof, and that the capital was issued bonâ fide, and is held by registered holders thereof, legally liable for so much thereof as is not paid up (of which satisfaction the certificate shall be conclusive evidence).

Receiver.

9.—The mortgagees of the Company may enforce the payment of the arrears of interest or of principal and interest due on their respective mortgages by the appointment of a receiver, and the amount to authorize a requisition for a receiver is five hundred pounds.

No interest on dividend on calls.

10.—The Company shall not out of any money raised by calls or borrowing pay interest or dividend to any shareholder on the amount called up in respect of shares held by him; but this provision shall not prevent the Company paying to any shareholder interest on money advanced by him beyond the amount of calls actually made, in conformity with the provisions of "The Companies Clauses Consolidation Act, 1845."

Money not to be used for deposit under Standing Orders, &c.

11.—The Company shall not, out of any money so raised, pay or deposit any money that may be required to be paid or deposited in relation to any application to Parliament or the Board of Trade.

Money to be applied for purposes of order.

12.—Every part of the money so raised shall be applied only for the purposes authorized by this Order.

First general meeting.

13.—The first general meeting of the Company shall be held, within twelve months after the passing of an Act of Parliament confirming this Order, at such time and place as the directors determine.

Number of directors.

14.—The number of directors shall not be more than six or less than three.

Quorum of directors.

15.—The quorum of a meeting of directors shall be two.

First directors.

16.—James Easton the younger, Edward Easton, and William Anderson, with such other shareholders (if any) as they add to their number, shall be the first directors; and the first directors shall continue in office till the first general meeting of the Company, when they shall retire from office, and directors shall be elected by the meeting, the retiring directors being eligible.

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Qualification.

17.—The qualification of a director elected by the shareholders, or nominated as aforesaid, shall be the holding, in his own right, of shares in the capital of the Company to the aggregate nominal amount of at least one hundred pounds.

Remuneration.

18.—The remuneration of the directors shall, from time to time, be fixed by a general meeting, and shall be divided among the directors as they determine.

Power to take lands by agreement.

19.—For the purposes of the works authorized by this Order, the Company may, from time to time, by agreement, enter on, take, and use all such parts of the lands shown on the plans deposited for the purposes of this Order as they think requisite for the purposes of the proposed pier and works, and the conveniences connected therewith.

Incorporation of Lands Clauses Act.

20.—"The Lands Clauses Consolidation Act, 1845," except so much thereof as relates to the purchase or taking of lands otherwise than by agreement, and "The Lands Clauses Consolidation Acts Amendment Act, 1860," shall be incorporated with this Order.

Power to make works.

21.—Subject to the provisions of this Order, and subject also to such alterations (if any) in the deposited plans as the Board of Trade require from time to time before the completion of the works, in order to prevent injury to navigation, the Company may, on the lands taken by them under this Order, and in the lines and according to the levels shown on the deposited plans and sections (as far as the same are shown thereon), and within the limits of deviation shown on those plans, make and maintain the pier and works authorized by this Order.

Description of works authorized.

22.—The works authorized by this Order comprise the following:—

A promenade pier at Cliftonville in the parish of Hove, in the county of Sussex, with a landing place, and all necessary works and conveniences for the embarking and landing of passengers, goods, and merchandise, and for other purposes, commencing at a point one hundred feet, or thereabouts, northward of highwater-mark of spring tides, and distant eleven chains eighteen yards, or thereabouts, eastward of the north-east corner of Mill's Terrace, and extending seawards in a southerly direction twelve hundred feet, or thereabouts, beyond highwater-mark.

Power to take rates according to Schedule to this order.

23.—The Company may for the use of the pier and works demand and receive in respect of the vessels, goods, persons, and things described in the Schedule hereto, any sums not exceeding the rates in that Schedule specified.

Certain fishing vessels under stress of weather exempt from rates.

24.—Fishing vessels belonging to countries with which, for the time being, treaties exist exempting from duties and port charges such vessels when forced by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom, shall, when forced by stress of weather to make use of the Pier authorized by this Order, and not breaking bulk while making use thereof, be exempt from rates leviable under this Order.

Company may contract with persons for the use of the pier.

25.—The Company may grant to passengers and promenaders, or others, pass tickets for the use of the Pier, on such terms and for such a period, not

exceeding one year, as are agreed on, but so that no preference be given to any person. Such pass ticket shall not be transferable, and shall not be used by any person except the person for whom it is granted, or by any person after the period limited for its use. If any person acts in any way in contravention of this provision, or uses, or attempts to use, any false or counterfeit ticket, he shall, for every such offence, be liable to a penalty not exceeding twenty shillings, to be recovered and applied as penalties are recoverable and applicable under "The Harbours, Docks, and Piers Clauses Act, 1847," for all the purposes of which Act this Order shall be deemed the Special Act.

Custom House officers exempt from rates.

26.—Officers of Customs, being in the execution of their duty, shall at all times have free ingress, passage and egress to, on, along, and from the Pier, by land and with their vessels, and otherwise, without payment.

Lands for extraordinary purposes.

27.—The Company shall not purchase, for extraordinary purposes, land exceeding in extent, in the whole, three acres.

Meters and weighers.

28.—The Company shall have the appointment of meters and weighers on, or in connection with, the Pier.

Parts of Harbours, &c. Act, 1847, excepted.

29.—The following sections of "The Harbours, Docks, and Piers Clauses Act, 1847," shall not be incorporated with this Order, namely, sections sixteen to nineteen, and twenty-one to twenty-three, all inclusive.

Steam engines, diving bells, lighters, &c.

30.—The Company may provide such steam engines, steam vessels, tugs, piling engines, diving bells, ballast lighters, rubbish lighters, moorings, dredging machines, and other machinery, vessels and things, as they think necessary, for effectuating any of the purposes of this Order, and may demand and receive such sums for the use of the same as they think reasonable.

Part V. of 24 & 25 Vict. c. 47. to apply.

31.—Part V. of "The Harbours and Passing Tolls, &c., Act, 1861," shall apply to the works authorized by this Order.

Restriction on use of pier.

32.—Nothing in this Order shall entitle any person with any vessel or boat to ship or unship at the Pier authorized by this Order any sheep, cattle, or merchandise, or to ship or unship there anything which, in the judgment of the Company, might in any manner interfere with the use of the Pier for recreation, or for the embarking or landing of passengers.

Costs of Order.

33.—All the costs, charges, and expenses of and preparatory and incident to the obtaining of this Order, and otherwise in relation thereto, shall be paid by the Company.

Light to be exhibited.

34.—The Company shall, at the outer extremity of the Pier and works authorized by this Order, exhibit from sunset to sunrise such light (if any) as shall from time to time be directed by the Corporation of Trinity House, Deptford Strond.

Saving rights under Crown Lands Act, 1866.

35.—This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade by "The Crown Lands Act, 1866;" nor shall any works under this Order be commenced within limits affected by any such

A.D. 1869.

Cliftonville.

rights, interests, powers, authorities, or privileges, without the assent of the Board of Trade having been first obtained.

Short title.

36.—This Order may be cited as "The Cliftonville Pier Order, 1869."

SCHEDULE to which the foregoing Order refers.

I.—RATES ON VESSELS USING THE PIER.

	s.	*d.*
For every vessel under the burden of 15 tons, per ton	0	4
For every vessel of the burden of 15 tons and under 50 tons, per ton	0	6
For every vessel of the burden of 50 tons and under 100 tons, per ton	0	8
For every vessel of the burden of 100 tons and under 150 tons, per ton	0	10
For every vessel of the burden of 150 tons and upwards, per ton	1	0
All lighters, for each trip, per ton	0	2
All boats entirely open, landing or taking on board goods, each	0	6

II.—RATES OF GOODS SHIPPED OR UNSHIPPED AT THE PIER.

Ale, beer, and porter, per hogshead	0	6
Ale (bottled), per barrel	0	4
Ditto, per dozen bottles	0	1
Anchors, per cwt.	0	9
Anchor stock, per foot run	0	2
Bark, per ton	2	0
Bedding, per bundle	0	3
Beef or pork, per cwt.	0	3
Ditto, per barrel	0	6
Biscuit or bread, per cwt.	0	3
Blubber, per ton of 252 gallons	3	0
Bones and bone-dust, per ton	1	6
Bottles, per gross	0	9
Bricks, per 1,000	1	6
Butter and lard, per barrel	0	6
Ditto, per firkin	0	3
Cables, iron or hempen, per ton	3	0
Canvas, per bolt	0	1
Casks (empty), not being returned packages, per puncheon	0	3
Other casks in proportion.		
Cattle:		
Bulls, cows, and oxen, each	3	0
Calves, each	1	0
Horses, each	4	0

		s.	d.
	Cattle—*continued.*		
	Pigs, each	0	6
	Sheep, each	1	0
	Chalk, per ton	1	0
5	Cheese, per cwt.	0	4
	Chimney pots, each	0	3
	Clay, per ton	1	0
	Cloth, haberdashery, &c., per package not exceeding cwt.	0	6
	Carriages:—		
10	Chaises and other four-wheeled carriages, each	7	6
	Gigs, carts, and other two-wheeled carriages, each	5	0
	Hand carts and perambulators, each	1	0
	Coals, per ton	1	0
	Copper, per ton	3	0
15	Cordage, per cwt.	0	3
	Cork, per cwt.	0	6
	Corpses, each	20	0
	Crystal, per box or package	0	6
	Dogs, each	0	6
20	Drugs (in casks, hampers or boxes), per foot	0	2
	Earthenware (in casks, hampers, or boxes), per foot	0	2
	Earthenware (in crates), per foot	0	1
	Eggs, per box	0	3
	Fish (dried and salted), per cwt.	0	3
25	Ditto, fresh (not enumerated), per cwt.	0	2
	Flax, per ton	2	0
	Flour and meal, per sack	0	4
	Ditto, per barrel	0	3
	Fruit, per bushel or sieve	0	4
30	Furniture (household), per 5 cubic feet	0	4
	Glass, per large crate	1	6
	Ditto, per small crate or case	1	0
	Ditto, per box	0	6
	Grains and seeds, per quarter	0	6
35	Groceries (not enumerated)	0	6
	Guano, per ton	1	6
	Gunpowder, per barrel or keg	0	6
	Hams, bacon, or tongues, per cwt.	0	4
	Hardware, per ton	2	6
40	Hares and rabbits, per dozen	0	4
	Hay, per ton	1	6
	Ditto, per truss	0	2
	Hemp, per ton	2	0
	Herrings (fresh), per 1,000	0	3
45	Ditto (cured), per barrel	0	3
	Hides:—		
	Ox, cow, or horse (wet or dry), each	0	2

A.D. 1869.

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	s.	d.
Iron:—		
Bar, bolt, rod, and shots, per ton	1	6
Pig, and old, per ton	1	0
Manufactured, per ton	2	6
Pots, each	0	1
Kelp, per ton	2	0
Lead per ton	2	6
Leather, tanned and dressed, per cwt.	0	3
Lime, per 28 bushels	1	4
Limestone, per ton	1	0
Machinery, per ton	2	6
Manure (not enumerated) per ton	1	0
Masts and spars, 10 inches in diameter and upwards, each	4	6
Ditto, under 10 inches	3	0
Meat (fresh), per cwt.	0	6
Milk, per gallon	0	0½
Musical instruments, per cube foot	0	1
Nets, per 5 cube feet	0	4
Oakum, per cwt.	0	2
Oils, per ton	2	0
Oilcake, per ton	2	0
Oranges and lemons, per box	0	6
Ores, per ton	1	0
Oysters, per bushel	0	3
Paint, per cwt.	0	4
Pitch and tar, per barrel	0	6
Potatoes, per cwt.	0	2
Poultry and game, per dozen	0	4
Rags and old rope, per ton	2	0
Sails, per cwt.	0	6
Salt, per cwt.	0	1
Sand, per ton	1	0
Shrimp baskets, each	0	2
Skins:—		
Calf, goat, sheep, lamb, or dog, per dozen	0	6
Slates, per ton of 24 cubic feet	2	0
Spirits (Foreign and British), per hogshead	1	0
Ditto, ditto, per gallon	0	1
Stones, per ton of 16 cubic feet	1	6
Steel, per ton	3	0
Sugar, per cwt.	0	3
Tallow, soap, and candles, per cwt.	0	3
Tea, per chest	1	0
Tiles, per 1,000	1	6
Tin and zinc, per ton	3	0
Tobacco, per cwt.	0	6
Turbot, per score	0	3

		s.	d.
	Turnips, per ton	0	6
	Turpentine and varnish, per barrel	0	6
	Turtle, each	2	6
5	Vegetables (not enumerated), per cwt.	0	4
	Vinegar, per hogshead	0	6
	Vitriol, per carboy	1	0
	Water, per cask	0	3
	Wine, per hogshead	1	0
10	Ditto (bottled), per dozen bottles	0	2
	Wood:		
	Fir, pine, and other descriptions not enumerated, per load of 50 feet	1	6
	Oak or wainscot, per load of 50 feet	2	0
15	Firewood, per 216 cubic feet fathom	1	6
	Laths and lathwood, per fathom of 216 cubic feet	2	6
	Handspikes, per 120	3	0
	Oars, per 120	5	0
	Spars, under 22 feet in length, above $2\frac{1}{2}$ and under 4 inches in		
20	diameter, per 120	5	0
	Ditto, $2\frac{1}{2}$ inches in diameter and under, per 120	4	0
	Ditto, 22 feet in length and upwards, and not exceeding 4 inches in diameter, per 120	9	0
	Ditto, above 4 and under 6 inches in diameter, per 120	14	0
25	Spokes of wheels, not exceeding 2 feet in length, per 120	2	0
	Ditto, exceeding 2 feet in length, per 120	3	0
	Treenails, per 1,000	2	6
	Wedges, per 1,000	2	6
	Pipe staves and others in proportion, per 120	2	6
30	Lignum vitæ, fustic, logwood, mahogany, and rosewood, per ton	2	0
	Wool, per cwt.	0	4
	Yarn, per cwt.	0	2

All other Goods not particularly enumerated above.

	Light goods, per cube foot	0	1
35	Heavy goods, per ton	2	0

In charging the rates on goods, the gross weight or measurement of all goods to be taken; and for any less weights, measures, and quantities than those above specified, a portion of the respective rates shall be charged.

40 III.—Rates for use of Cranes, Weighing Machines, and Sheds.

1*st. Rates of Craneage.*

	All goods of packages not exceeding 1 ton	0	4
	Exceeding 1 ton and not exceeding 2 tons	0	6
	Exceeding 2 tons and not exceeding 3 tons	0	8
45	Exceeding 3 tons and not exceeding 4 tons	0	10

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Cliftonville.

	s.	d.
Exceeding 4 tons and not exceeding 5 tons	1	0
Exceeding 5 tons and not exceeding 6 tons	1	2
Exceeding 6 tons and not exceeding 7 tons	1	4
Exceeding 7 tons and not exceeding 8 tons	1	6
Exceeding 8 tons and not exceeding 9 tons	1	10
Exceeding 9 tons and not exceeding 10 tons	2	4
Exceeding 10 tons	3	6

2nd. Weighing Machine.

For goods weighed, for each ton or part of a ton	0	2

3rd. Shed Dues.

For each ton of goods of 40 cubic feet, or for each ton of goods of 20 cwt., which shall remain in the sheds or other works of the Pier for a longer time than 48 hours, the sum of 3*d.*, and the sum of 1½*d.* per ton for each day during which such goods shall remain after first 48 hours.		
For any portmanteau, trunk, parcel, or other article of passengers' luggage, for each day or part of a day, per package	0	2

IV.—RATES FOR SUPPLYING WATER ON PIER.

Water, per 1,000 gallons	10	0

V.—RATES ON PASSENGERS AND PROMENADERS USING THE PIER.

For every passenger or other person who shall land on the Pier from, or embark from it on board of, any ship, vessel, packet, or passage-boat, for each and every time any sum not exceeding	0	6
For every person who shall use the Pier for the purpose of walking for exercise, pleasure, or any other purpose, except for embarking or disembarking, for each and every time any sum not exceeding	0	4
For every bath or sedan chair taken on the Pier, for each and every time not exceeding	0	6
For every perambulator	0	2
For every master of any vessel, boat or wherry, being an inhabitant of the Parish of Hove, and using the said pier for the purpose of going to or returning from his own vessel, boat, or wherry, an annual sum not exceeding	20	0

VI.—RATES ON PASSENGERS LUGGAGE.

For every trunk, portmanteau, box, parcel, or other package within the description of luggage, not exceeding 28 lbs.	0	2
Over 28 lbs. and not exceeding 84 lbs.	0	4
Over 84 lbs. and not exceeding 112 lbs.	0	5
Over 112 lbs. and not exceeding 140 lbs.	0	6

	s.	d.
Over 140 lbs. and not exceeding 196 lbs.	0	7
Over 196 lbs. and not exceeding 2 cwt.	0	8
And for every cwt. beyond	0	4
And for every 20 lbs. weight in addition	0	1

GILLINGHAM.

Order for the maintenance and regulation of a Pier, Wharf, and Landing Place in the parish of Gillingham in the county of Kent.

Board of Surveyors to be undertakers.

1.—The Board for the repair of the Highways in the parish of Gillingham in the county of Kent, and their successors, in this Order called "The Board," shall execute and give effect to this Order, and be the undertakers of the works authorized by this Order.

Limits of authorities of Board.

2.—The limits within which the Board shall have authority under this Order (which shall be deemed to be the limits to which this Order shall extend), shall comprise the Gillingham Pier, Wharf, and Landing Place, as constructed by the Lords Commissioners for executing the office of Lord High Admiral of Great Britain and Ireland, near to the eastern side of the new boundary wall of Her Majesty's dockyard at Chatham, and which pier, wharf, and landing place is or will become, under the provisions contained in "The Chatham Dockyard Act, 1861," vested in the Board (in the said Act called "The Board of Surveyors of the parish of Gillingham"), and also so much of the river Medway as lies within the distance of seven yards from any part of the same pier, wharf, or landing place.

Commissioners Clauses Act incorporated.

3.—"The Commissioners Clauses Act, 1847," except the following sections, namely sections 6 to 55 inclusive, 92 to 95 inclusive, 110 and 111, shall be incorporated with this Order, and shall, so far as the nature of the case will admit, apply to the members of the Board collectively and severally, and the expressions "the Commissioners" and "the special Act" in that Act contained shall mean "the Board" and this Order respectively.

Power to levy rates.

4.—After obtaining possession of the pier, wharf, and landing place the Board may for the use of the same demand and receive in respect of the persons, vessels, cattle, goods, and things described in the schedule to this Order any sums not exceeding the rates in that schedule specified.

Power to borrow on mortgage.

5.—The Board may from time to time borrow on mortgage, at interest on the security of the pier, wharf, and landing place and the rates authorized by this Order, or of either of them, any sums not exceeding in the whole the sum of £2,000, and any money borrowed under this Order and discharged otherwise than by means of the sinking fund in this Order mentioned may be reborrowed from time to time if required for the purposes of this Order.

Appointment of receiver.

6.—The mortgagees of the Board may enforce the payment of arrears of interest or of principal and interest due on their respective mortgages by the

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appointment of a receiver. The amount to authorize a requisition for a receiver shall be £200.

Application of money borrowed.

7.—The money borrowed under this Order shall be expended in making, building, and erecting cranes, warehouses, weighing machines, sheds, and wharfinger's house only.

Money to be applied only for purposes of order.

8.—Every part of the money borrowed under this Order shall be applied only for the purposes authorized by this Order.

Application of rates.

9.—The Board shall apply all the rates received under this Order for the purposes and in the order following, and not otherwise; that is to say,—

1. In paying the costs of and connected with the preparation and making of this Order.
2. In paying the expenses of the maintenance, repair, management, and regulation of the pier, wharf, and landing place, and the approaches thereto, and of any buildings and works within the limits of this Order, and all outgoings in respect thereof.
3. In paying year by year the interest accruing on money borrowed under this Order.
4. In paying the cost of the works authorized by this Order.
5. In payment of principal money borrowed, or in creating a sinking fund for that purpose, in the manner and, so far as the nature and circumstances of the case will admit, in the proportion specified by "The Commissioners Clauses Act, 1847."

Rates to be revised from time to time.

10.—The Board shall from time to time revise the rates receivable under this Order, so that the income of the Board under this Order may always be as far as practicable sufficient, and not more than sufficient, to meet the expenditure directed or authorized by this Order.

Powers of this Order to be exercised as other powers of Board.

11.—No rates or funds by law authorized to be levied by or otherwise vested in the Board, other than the money and rates which may be levied or received by them under this Order, shall be applicable for any purpose hereby authorized; but, subject to this restriction and the other provisions of this Order and the Acts incorporated herewith, the powers and functions hereby vested in the Board shall be exercised and carried into effect by them as part of their general powers and functions, and with and subject to the like privileges, indemnities, and regulations.

Rates not to be applied for highways.

12.—No rates received under this Order shall be applied in the repair or improvement of any of the highways of the parish of Gillingham other than the approaches to the pier, wharf, and landing place.

Publication of printed accounts.

13.—The Board shall send, in every year, to the Board of Trade their printed statement and account within seven days after the same shall have been first open for inspection, and shall also within such seven days cause one copy thereof at least to be posted in some conspicuous place within the limits of this Order, and shall keep the same so posted for one calendar month at least.

Clauses of Harbours Act not incorporated.

14.—The following sections of "The Harbours, Docks, and Piers Clauses Act, 1847," shall not be incorporated with this Order, namely sections 6 to 19 inclusive, and sections 25 and 26.

15.—Officers of Customs, being in the execution of their duty, shall at all times have free ingress, passage, and egress into, over, and from the pier, wharf, and landing place by land, and with their vessels, without payment. Officers of customs to have free access.

16.—The Board shall have the appointment of meters and weighers on or in connexion with the pier, wharf, and landing place. Meters and weighers.

17.—The Board shall at the outer extremity of their pier exhibit from sunset to sunrise such light, if any, as shall from time to time be directed by the Corporation of Trinity House Deptford Strond. Light to be exhibited.

18.—Nothing in this Order shall prejudice or derogate from the rights, powers, liberties, jurisdictions, authorities, dues, franchises, and privileges of the Mayor and Corporation of the city of Rochester. Reservation of rights of Rochester Corporation.

19.—This Order may be cited as "The Gillingham Pier Order, 1869." Short title.

SCHEDULE.

I.—Rates on Passengers landing or embarking from the Pier, Wharf, or Landing Place.

	s.	*d.*
For every passenger who shall land on the said pier from or embark from it on board of any steam vessel, packet, or passage boat, not being an open boat, for each and every time any sum not exceeding - - - - - - - -	0	0½

II.—Rates on Vessels using the Pier, Wharf, and Landing Place.

For every vessel under the burden of 15 tons, per ton - - -	0	0¾
For every vessel of the burden of 15 tons and upwards, per ton -	0	1

III.—Rates on Meat, Cattle, and Goods, shipped or unshipped, received or delivered at the Pier, Wharf, and Landing Place.

1. *Meat.*

For every quarter of beef - - - - - - -	0	1½
For every carcass of mutton, veal, lamb, kid, or pork - -	0	1
For every quantity of meat cut up of any weight not exceeding 28 pounds, free.		
Exceeding 28 pounds and not exceeding 56 pounds - -	0	1
Exceeding 56 pounds and not exceeding 112 pounds - -	0	1½
Exceeding 112 pounds and not exceeding 224 pounds -	0	2
Exceeding 224 pounds and not exceeding 336 pounds - -	0	2½
If exceeding 336 pounds then for every 28 pounds or part of 28 pounds - - - - - - -	0	0½

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	s.	d.
2. *Cattle.*		
Bulls, each	0	1½
Cows and oxen, each	0	1
Calves, each	0	0¼
Horses, each	0	1
Asses, each	0	0½
Pigs, each	0	0¼
Goats, each	0	0½
Sheep, per score	0	3
Lambs, per score	0	1½
3. *Goods.*		
Ale and porter, per hogshead	0	3
Ale and porter, per barrel bulk	0	1½
Apples and all other fruit, per bushel	0	0½
Bark or cutch, per ton	0	6
Barrels, empty, each	0	0¼
Battens, per 120	0	3
Beef or pork, per ton	0	8
Beef or pork, per barrel	0	1
Binders, per 100	0	6
Block stone, per ton	0	2
Blubber, per ton, 250 gallons	0	6
Bone dust, per ton	0	4
Bones of cattle, per ton	0	3
Bottles, per gross	0	1
Brass, per 112 pounds	0	1
Breeze, per chaldron	0	1
Bricks, per 1,000	0	1½
Builders' plant, per ton	0	7
Butter, per firkin	0	0½
Cabbages, per 112 pounds	0	0½
Casks, empty, not being returned, package per puncheon	0	1
Other casks not enumerated in proportion	0	1
Cement, per ton	0	1½
Chalk, per ton	0	1½
Cheese, per ton	0	8
Chimney pots, per 100	0	8
Clay fire manufactured, per ton	0	3
Clay, common, per ton	0	1½
Cloth, haberdashery, &c., per barrel bulk	0	1
Coaches, viz.:		
Chaises and other four-wheeled carriages, each	0	4
Gigs, carts, and other two-wheeled carriages, each	0	3
Coals, viz.:		
Scotch, English, smithy, and culm, per ton	0	1½

		s.	d.
	Coke, per chaldron	0	1½
	Copper, per 112 pounds	0	1
	Corks, per barrel bulk	0	1
5	Corn, viz.:		
	Wheat, malt, barley, beans, pease, tares, oats, rye, buckwheat, and Indian corn, per quarter	0	1
	Crystal, per barrel bulk	0	1½
	Deals, per 120	0	4
10	Dissolved bones and other artificial manures, per ton	0	4
	Drain pipes, per ton	0	2
	Drapery, per package	0	0½
	Drugs, per barrel bulk	0	1½
	Earthenware, per crate	0	4
15	Earthenware, per crib	0	2
	Eggs, per box	0	1
	Flax and hemp, per ton	0	8
	Flints, per ton	0	1½
	Flour, per sack	0	1
20	Flour, per barrel	0	0¾
	Floor boards, per square	0	1
	Glass, per barrel bulk	0	1½
	Gravel, per ton	0	1½
	Granite, per ton	0	1½
25	Groceries, viz.:		
	Almonds, figs, cinnamon, currants, pepper, pimento, plums, prunes, raisins, and the like, per barrel bulk	0	1½
	Guano, per ton	0	2
	Guns, per ton	0	1½
30	Gunpowder, per barrel	0	1½
	Hardware, per barrel bulk	0	1½
	Hay, per ton	0	4
	Hides, viz.:		
	Ox, cow, or horse, salted or dried, per ton	0	8
35	Calf skins, per 120	0	5
	Sheep skins, per 120	0	5
	Lamb skins, per 120	0	2½
	Hoops of wood, per 1,000	0	3
	Hops, per 112 pounds	0	1
40	Hoops, iron, per ton	0	2
	Household furniture, per barrel bulk	0	0½
	Husbandry utensils, per ton	0	8
	Husbandry utensils, per barrel bulk	0	1
	Iron, viz.:		
45	Bar, bolt, and rod, per ton	0	2
	Pig or old, per ton	0	1
	Kelp, per ton	0	2

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	s.	*d.*
Lead of all kinds, per ton	0	2
Leather, tanned and dressed, per ton	0	6
Lime, per yard	0	1½
Limestone, per ton	0	1½
Loam or moulding sand, per ton	0	1½
Machinery, per ton	0	7½
Machinery, per barrel bulk	0	1½
Mangold wurtzell and other roots, per ton	0	1½
Manure, per ton	0	1½
Fish for manure, per ton	0	1½
Mast or spars, per load of 50 feet	0	6
Meal, per bag of 280 pounds	0	1
Nails, per 112 pounds	0	0½
Oils, per ton	0	6
Oil or other seed cake, per ton	0	1½
Ores, viz.:—		
Copper, iron, lead, and other ores, per ton	0	2
Passengers' luggage, not exceeding 4 barrels bulk free, all above 4 barrels bulk, per barrel bulk	0	1½
Peats, per ton	0	1½
Planks, per 120	0	6
Potatoes, per ton	0	1½
Rags of all kinds, and old ropes, per ton	0	2
Ragstone, per ton	0	1½
Rape and oil cakes, per ton	0	1½
Rope coil, per 112 pounds	0	0½
Sand, per ton	0	1½
Salt in bulk, per ton	0	1½
Seeds of all kinds not enumerated, per quarter	0	1
Shingle, per ton	0	1½
Skins, seal, per 120	0	3
Slates under size, per 1,200	0	4½
Slates, sizeable, per 1,200	0	5
Slates, over size, per 1,200	0	6
Soap, per 112 pounds	0	0½
Spirits, Foreign and British, per hogshead of 56 gallons	0	4
Spokes, per 100	0	0½
Stones, viz.:—		
Rubble, per ton	0	1½
Ashlar freestone, per ton	0	2
Pavement, per ton	0	2
Scythe stones, per score	0	0½
Mill stones, each	0	6
Gravestones, each	0	3
Grindstones, each	0	2
Steel, per ton	0	2

		s.	*d.*
	Straw, per ton	0	3
	Sugar, per ton	0	4
	Tallow, per 112 pounds	0	0½
5	Tar, pitch, rezin, per barrel	0	1
	Tea, per chest	0	1½
	Timber, per load	0	6
	Tiles for roofing, per 1,000	0	2
	Tiles or pipes for land draining, per 1,000	0	2
10	Tin of all kinds, per ton	0	8
	Tobacco, per ton	0	8
	Treenails under 2 feet in length, per 1,000	0	3
	Treenails exceeding 2 feet in length, per 1,000	0	6
	Turpentine, per hogshead	0	4
15	Vinegar, per hogshead	0	3
	Vitriol, per carboy	0	1
	Whalebone, per ton	1	3
	Wine, per hogshead	0	4
	Wine, bottled, per barrel bulk	0	2
20	Wood, viz.:—		
	Fir, pine, and other descriptions not enumerated, per load of 50 feet	0	6
	Oak or wainscot, per load of 40 feet	0	6
	Firewood, wood, or burnwood, per fathom	0	3
25	Laths and lathwood, per fathom of 216 cubic feet	1	3
	Handspikes, per 120	0	5
	Oars, per 120	1	3
	Spars under 22 feet in length, above 2½ and under 4 inches diameter, per 120	0	6
30	Spars, of all lengths, above 4 and under 6 inches diameter, per 120	2	6
	Spars, 2½ inches in diameter and under, per 120	0	3
	Pipe staves, per standard hundred	0	6
	Herring barrel stave, per 1,000 feet	0	4½
35	Lignum vitæ, fustic, logwood, mahogany, and rosewood, per ton	0	8
	Wool, per 112 pounds	0	1
	Yarn, per ton	0	3
	Zinc, per ton	0	2
	All other goods not particularly enumerated in the above table, viz.:—		
40	Light goods, per barrel bulk	0	1
	Heavy goods, per ton	0	6

In charging the rates on goods, the gross weight or measurement of all goods to be taken; and for any less weights, measures, and quantities than those above specified, a proportion of the
45 respective rates shall be charged.

Five cubic feet not exceeding two and a half hundredweight to be rated as a barrel bulk.

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IV.—RATES FOR THE USE OF SHEDS, WAREHOUSES, CRANES, AND WEIGHING MACHINES.

1. *Sheds and Warehouses.*

For each ton of goods of 8 barrels bulk, or of each ton of goods of twenty hundredweight, which shall remain in any shed or on the pier for a longer time than 48 hours, the sum of 3*d.*, and the sum of 1½*d.* per ton for each day during which such goods shall remain after the first 48 hours.

2. *Cranes.*

	s.	*d.*
All goods or packages not exceeding one ton - - -	0	3
Exceeding one ton, and not exceeding two tons, at per ton -	0	4
Exceeding two tons, and not exceeding three tons, at per ton -	0	6
Exceeding three tons, and not exceeding four tons, at per ton -	0	8
Exceeding four tons, and not exceeding five tons, at per ton -	0	10
Exceeding five tons, and not exceeding six tons, at per ton -	1	0
Exceeding six tons, and not exceeding seven tons, at per ton -	1	2
Exceeding seven tons, and not exceeding eight tons, at per ton	1	4
Exceeding eight tons, and not exceeding nine tons, at per ton -	1	8
Exceeding nine tons, and not exceeding ten tons, at per ton -	2	0
Exceeding ten tons, at per ton - - - -	3	0

3. *Weighing Machines.*

For goods weighed, for each ton or part of a ton - -	0	1

Rosslare.

ROSSLARE.

Order for the construction, maintenance, and regulation of a Pier and Harbour at Rosslare, in Greenore Bay, in the County of Wexford.

Incorporation of Commissioners.

1. There shall be a body of Commissioners for carrying this Order into execution, not exceeding in number seven, which Commissioners and their successors are hereby for the purposes of this Order incorporated by the name of "The Rosslare Harbour Commissioners," and by that name shall be a body corporate, with perpetual succession, and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes, but subject to the restrictions of this Order (which Commissioners are in this Order called "the Commissioners").

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Rosslare.

Appointment of the several Commissioners.

2. The appointment of Commissioners shall be regulated as follows:—

(1.) The mayor of the borough of Wexford for the time being shall, as such, be a Commissioner.

(2.) The person for the time being representing the borough of Wexford in the Commons House of Parliament, shall, as such, be a Commissioner.

(3.) The Board of Trade may, if they think fit, appoint a person to be a Commissioner, and whenever a vacancy is caused by death, resignation, or otherwise, in the office of that Commissioner, they may, if they think fit, appoint another person to fill the vacancy, and so toties quoties.

(4.) The Waterford and Wexford Railway Company, acting by their Directors, shall, as soon as may be after the passing of the Act confirming this Order, appoint, from among the directors or other shareholders of the company, three persons to be Commissioners, and whenever a vacancy is caused by death, resignation, or otherwise, in the office of any one of those three Commissioners, that company, acting by their directors, shall appoint from among the directors or other shareholders of the company another person to fill the vacancy, and so toties quoties: Provided that each appointment of a Commissioner by the directors shall be determinable at any time by the company.

(5.) The Commissioners of Wexford Harbour shall, as soon as may be after the confirmation of this Order, appoint from among themselves a person to be a Commissioner, and whenever a vacancy is caused by death, resignation, or otherwise, in the office of that Commissioner, they shall appoint from among themselves another person to fill the vacancy, and so toties quoties.

Incorporation of parts of 10 & 11 Vict. c. 16.

3. "The Commissioners Clauses Act, 1847," (except sections 17 to 35 both inclusive) is hereby incorporated with this Order, and the same shall, as far as the nature and circumstances of the case will admit, apply to the Commissioners collectively and severally, subject to the following provisions:—

(1.) With reference to section 39 of this Act, the prescribed number (constituting a quorum) of the Commissioners shall be three

(2.) The Board of Trade shall, from time to time, appoint a permanent auditor of the accounts of the Commissioners, and fix the salary to be paid to him, and such salary shall be paid to him accordingly by the Commissioners out of the rates levied under this Order.

Commencement of powers.

4. The Commissioners shall be deemed fully constituted, and shall begin to act under this Order, as soon as two persons have been appointed Commissioners in addition to the two ex-officio Commissioners, and any proceeding of the Commissioners shall not be invalidated or be illegal by reason of the non-appointment of or any informality in the appointment of a Commissioner.

Undertakers.

5. The Commissioners shall be the undertakers of the works authorized by this Order.

Interpretation of deposited plans, &c.

6. The plans and sections deposited for the purposes of this Order, at the office of the Clerk of the Peace for the county of Wexford and elsewhere, are in this Order referred to as the deposited plans and sections.

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Rosslare.

Power to take lands by agreement.

7. The Commissioners may from time to time, by agreement, enter on, take, and use such of the lands shown on the deposited plan, within the limits of deviation thereon marked, as they from time to time require for the purposes of this Order.

Incorporation of Lands Clauses Acts.

8. "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," except so much thereof respectively as relates to the purchase and taking of lands otherwise than by agreement, are hereby incorporated with this Order.

Power to execute works.

9. Subject to the provisions of this Order, and subject also to such alterations (if any) in the deposited plans or sections, as the Board of Trade require from time to time, before the completion of the works, in order to prevent injury to navigation, the Commissioners may, on the site designated by this Order, and according to the deposited plans and sections, and within the limits of deviation shown on those plans, execute and maintain the works shown on the deposited plans.

Description of works.

10. The works authorized by this Order comprise the following:—

(1.) A causeway, with retaining walls, extending seaward in a northerly direction from a point on the shore near high-water mark, for a distance of one hundred and forty-eight yards or thereabouts.

(2.) An open viaduct, extending in a northerly direction for three hundred and thirty yards from the seaward end of that causeway:

(3.) A pier, extending into the sea from the north end of that viaduct, and, after a curve to the westward for one hundred and seventy yards or thereabouts, continuing straight in a north-westerly direction for one hundred and eighty yards or thereabouts:

(4.) Wharves or landing places for enabling vessels to land and embark passengers, merchandise, cattle, coals, and other goods in the harbour:

together with all quays, jetties, approaches, warehouses, sheds, buildings, and other conveniences requisite for the use of the pier and works.

Limits of Commissioners powers.

11. The limits within which the Commissioners shall have authority (which shall be deemed the limits to which this Order extends) shall be the areas following; that is to say:

(A.) An area bounded by the following lines; namely,—

(1.) The line of the eastward and northward side of the causeway viaduct and pier from high-water mark till it intersects line No. 2.

(2.) So much of an imaginary straight line drawn from Carrick Perch touching the northward side of the pier as lies between the point of contact and line No. 3.

(3.) So much of an imaginary straight line drawn north-east by north (true) from Kilscoran Church as lies between line No. 2 and high-water mark on the shore.

(4.) The line of high-water mark on the shore between lines No. 1 and No. 3.

(B.) All the area below high-water mark on the eastward and northward side of the causeway viaduct and pier lying within a distance of 200 yards therefrom on the eastward and northward side thereof.

Rates in schedules.

12. Subject and according to the provisions of this Order the Commissioners may, for the use of the pier, harbour, and works, demand and take in respect of the vessels, persons, fish, animals, goods, and things described in the schedules to this Order, any sums not exceeding the several rates therein specified.

Commencement of rates.

13. Notwithstanding anything in any Act incorporated with this Order, the Commissioners may begin to demand and receive rates under this Order for the use of the pier and harbour as soon as it is certified, under the hand of a competent and impartial inspector appointed by the Board of Trade to inquire and report for the purpose, that the Commissioners have completed such portions of the pier and harbour works authorized by this Order as will afford convenient accommodation for the landing and embarking of passengers and goods, although all the works authorized by this Order are not completed. The inspector so appointed shall receive out of the rates levied under this Order such sum as the Board of Trade shall direct, and the same shall be paid by the Commissioners accordingly.

Certain fishing vessels under stress of weather exempt from rates.

14. Fishing vessels belonging to countries with which for the time being treaties exist exempting from duties and port charges such vessels when forced by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom, shall, when forced by stress of weather to make use of the pier and harbour authorized by this Order and not breaking bulk while making use thereof, be exempt from rates leviable under this Order.

Custom house officers exempt from rates.

15. Officers of customs being in the execution of their duty shall at all times have free ingress, passage, and egress on to, through, over, and from the pier, harbour, and works by land, and with their vessels, and otherwise without payment.

Remuneration of Commissioners.

16. The Commissioners may receive as remuneration for their services an annual sum not exceeding such an amount as shall from time to time be approved of by the Board of Trade, such annual sum shall be paid only out of the rates and other income received under this Order and not out of any other money, and shall be divided between the Commissioners as they from time to time determine among themselves.

Borrowing powers.

17. The Commissioners may, from time to time, borrow on mortgage such money as may be required for the purposes of this Order not exceeding in the whole the sum of eighty-five thousand pounds, on the security of the harbour and of the lands, works, and property connected therewith, and of the rates authorized by this Order, or of any of those particulars, or of any other property of the Commissioners.

Application of money borrowed.

18. The Commissioners shall apply all money borrowed by them under this Order for the purposes and in the order following; that is to say,

(1.) In payment of the costs of and connected with the preparation and making of this Order.

(2.) In paying the cost of the works authorized by this Order.

Application of money borrowed.

19. Every part of the money borrowed under this Order shall be applied only for the purposes authorized by this Order.

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Rosslare.

Re-borrowing.

20. Any money borrowed under this Order, and discharged, otherwise than by means of a sinking fund or by instalments, may be re-borrowed, if required, for the purposes of this Order, and so toties quoties.

Receiver.

21. The mortgagees of the Commissioners may enforce the payment of arrears of interest, or of arrears of principal and interest, due to them on their respective mortgages, by the appointment of a receiver; and the amount to authorize a requisition for a receiver is eight thousand five hundred pounds.

Application of rates and moneys received by the Commissioners.

22. The Commissioners shall apply all money received by them from rates authorized by this Order, and all other income coming to their hands from the pier, harbour, and works authorized by this Order, or the lands or property connected therewith, for the purposes and in the order following, and not otherwise:—

(1.) In paying the expenses of the collection and receipt of rates and income the salary payable to the auditor and the sum payable to any inspector appointed by the Board of Trade, and the expenses of the maintenance, repair, management, and regulation of the pier, harbour, and works.

(2.) In paying year by year the interest accrued due on money borrowed under this Order:

(3.) In, from time to time, providing the instalments or creating a sinking fund for the repayment of money borrowed, in such manner, so far as circumstances will admit, that all money borrowed may be discharged within 50 years from the time of borrowing:

(4.) In paying any remuneration to the Commissioners properly payable under this Order:

(5.) In paying the cost of the works authorized by, and of lands or property acquired for the purposes of this Order, and the other expenses incurred for purposes authorized by this Order.

Commissioners to furnish accounts to Board of Trade.

23. The Commissioners shall, in the month of January in every year, furnish to the Board of Trade a statement, in such form as the Board of Trade from time to time direct, showing the income, expenditure, credits and liabilities, of the Commissioners, in and for the then last preceding year, and the total amount of capital expended by the Commissioners up to the expiration of that year.

Rates to be revised from time to time.

24. The Commissioners shall, from time to time, if required by the Board of Trade, revise the rates, tolls, and dues receivable under this Order, so that the income of the Commissioners under this Order may always be as far as practicable sufficient, and not more than sufficient, to meet the expenditure directed or authorized by this Order.

Power to dredge, &c.

25. The Commissioners, from time to time, may dredge and deepen Greenore, Ballygeary, or South Bay within the limits to which this Order extends, and may place and maintain moorings and buoys within those limits, and do all such lawful acts as they think necessary or proper for preventing or removing obstructions or impediments therein, and generally for preserving and facilitating the navigation within those limits; and the soil, gravel, and

other materials dredged up or removed within those limits shall become and be the property of the Commissioners, who may, from time to time, sell or otherwise dispose of the same, or remove and lay down the same within those limits, and afterwards, from time to time, again take up and remove and sell, or otherwise dispose of the same; and all money arising therefrom, after payment of the expenses connected therewith, shall be applied as rates received under this Order are applicable.

Commissioners may provide engines, lighters, &c.

26. The Commissioners may, for purposes of works authorized by this Order or other purposes of this Order, from time to time purchase, lease, hire, or otherwise provide such steam or other dredges, steam or other engines, steam tugs, steam or other vessels, diving bells, piling engines, dredging machines, ballast lighters, rubbish lighters, tools, plant, machinery, and things as they think fit, and may let the same for use, and may demand and receive for the use thereof such sums as they think reasonable.

Lights, buoys, and beacons.

27. The Commissioners shall be a local authority within the meaning of "The Merchant Shipping Act, 1854," and the Acts amending the same, and shall have all the powers conferred by those Acts on local authorities.

Meters and weighers.

28. The Commissioners shall have the appointment of meters and weighers on or in connexion with the pier and works.

Lands for extraordinary purposes.

29. The Commissioners shall not acquire for extraordinary purposes lands exceeding in extent in the whole three acres.

Confirmation of byelaws, and provision for management of harbour.

30. Byelaws made under this Order and "The Harbours, Docks, and Piers Clauses Act, 1847," shall not come into operation until allowed and confirmed by the Board of Trade, which allowance and confirmation shall be sufficient for all purposes; and it shall not be lawful for the Harbour Master, by virtue of section 52 of that Act, or of any other authority, or for the Commissioners, to give or cause to be given any direction respecting any matter mentioned in that section, or provided for in the byelaws, further or otherwise than as the byelaws expressly authorize him or them to do so.

Parts of Harbours, &c. Act excepted.

31. Sections 16, 17, 18, 19, and 26 of "The Harbours, Docks, and Piers Clauses Act, 1847," shall not be incorporated with this Order.

Appointment of meters and weighers.

32. The Commissioners shall have the appointment of meters and weighers on or in connexion with the pier and harbour.

Light to be exhibited.

33. The company shall at the outer extremity of the pier and works authorized by this order, exhibit from sunset to sunrise such light (if any) as shall from time to time be directed by the Commissioners of Irish Lights.

Saving for Corporations, &c.

34. Nothing in this order shall take away or abridge any right, privilege, power, jurisdiction or authority, given or reserved to any person or corporation by any local or special Act of Parliament, without the consent in writing of such person or corporation.

Saving rights under "Crown Lands Act, 1866."

35. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade by "The Crown Lands Act, 1866," nor shall any works under this Order be commenced within limits affected by any such

A.D. 1869. rights, interests, powers, authorities, or privileges, without the assent of the Board of Trade having been first obtained.

Rosslare.

Short title. 36. This Order may be cited as "The Rosslare Harbour Order, 1869."

Schedule to which the foregoing Order refers.

I.—Rates on Vessels using the Pier or Harbour.

	s.	*d.*
For every vessel under the burden of 15 tons, per ton	3	4
For every vessel of the burden of 15 tons and under 50 tons, per ton	0	6
For every vessel of the burden of 50 tons and under 100 tons, per ton	0	8
For every vessel of the burden of 100 tons and under 150 tons, per ton	0	10
For every vessel of the burden of 150 tons and upwards, per ton	1	0
All lighters for each trip, per ton	0	6
All boats entirely open, landing or taking on board goods, each	0	6

II.—Rates of Goods shipped or unshipped at the Pier or Harbour.

Ale, beer, and porter, per hogshead	0	6
Ale (bottled), per barrel	0	4
Ditto, per dozen bottles	4	1
Anchors, per cwt.	0	9
Anchor stock, per foot run	0	2
Bark, per ton	2	0
Bedding, per bundle	0	3
Beef or pork, per cwt.	0	3
Beef or pork, per barrel	0	6
Biscuit or bread, per cwt.	0	3
Blubber, per ton of 252 gallons	3	0
Bones and bone dust, per ton	1	6
Bottles, per gross	0	9
Bricks, per 1,000	1	6
Butter and lard, per barrel	0	6
Ditto, per firkin	0	3
Cables, iron or hempen, per ton	0	0
Canvas, per bolt	0	1
Casks (empty) not being returned packages, per puncheon	0	3

Other casks in proportion.

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Rosslare.

		s.	*d.*
	Cattle:		
	Bulls, Cows, and oxen, each	3	0
	Calves, each	1	0
5	Horses, each	4	0
	Pigs, each	0	6
	Sheep, each	1	0
	Chalk, per ton	1	0
	Cheese, per cwt.	0	4
10	Chimney pots, each	0	3
	Clay, per ton	1	0
	Cloth, haberdashery, &c., per package not exceeding cwt.	0	6
	Carriages:		
	Chaises and other four-wheeled carriages, each	7	6
15	Gigs, carts, and other two-wheeled carriages, each	5	0
	Hand-carts and perambulators, each	1	0
	Coals, per ton	1	0
	Copper, per ton	3	0
	Cordage, per cwt.	0	3
20	Cork, per cwt.	0	6
	Crystal, per box or package	0	6
	Dogs, each	0	6
	Drugs (in casks, hampers, or boxes), per foot	0	2
	Earthenware (in casks, hampers, or boxes), per foot	0	2
25	Earthenware (in crates), per foot	0	1
	Eggs, per box	0	3
	Fish (dried and salted), per cwt	0	3
	Ditto, fresh (not enumerated), per cwt.	0	2
	Flax, per ton	2	0
30	Flour and meal, per sack	0	4
	Ditto, per barrel	0	3
	Fruit, per bushel or sieve	0	4
	Furniture (household), per 5 cubic feet	0	4
	Glass, per large crate	1	6
35	Ditto, per small crate or case	1	0
	Ditto, per box	0	6
	Grains and seeds, per quarter	0	6
	Groceries (not enumerated)	0	6
	Guano, per ton	1	6
40	Gunpowder, per barrel or keg	0	6
	Hams, bacon, or tongues, per cwt.	0	4
	Hardware, per ton	2	6
	Hares and rabbits, per dozen	0	4
	Hay, per ton	1	6
45	Ditto, per truss	0	2
	Hemp, per ton	2	0
	Herrings (fresh), per 1,000	0	3
	Ditto (cured), per barrel	0	3

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	s.	d.	
Hides:			
Ox, cow, or horse (wet or dry), each	0	2	
Iron:			
Bar, bolt, rod, and shots, per ton	1	6	5
Pig and old, per ton	1	0	
Manufactured, per ton	2	6	
Pots, each	0	1	
Kelp, per ton	2	0	
Lead, per ton	2	6	10
Leather, tanned and dressed, per cwt.	0	3	
Lime, per 28 bushels	1	4	
Limestone, per ton	1	0	
Machinery, per ton	2	6	
Manure (not enumerated), per ton	1	0	15
Masts and spars, 10 inches in diameter and upwards, each	4	6	
Ditto, under 10 inches	3	0	
Meat (fresh), per cwt.	0	6	
Milk, per gallon	0	0½	
Musical instruments, per cube foot	0	1	20
Nets, per 5 cubic feet	0	4	
Oakum, per cwt.	0	2	
Oils, per tun	2	0	
Oilcake, per ton	2	0	
Oranges and lemons, per box	0	6	25
Ores, per ton	1	0	
Oysters, per bushels	0	3	
Paint, per cwt.	0	4	
Pitch and tar, per barrel	0	6	
Potatoes, per cwt.	0	2	30
Poultry and game, per dozen	0	4	
Rags and old rope, per ton	2	0	
Sails, per cwt.	0	6	
Salt, per cwt.	0	1	
Sand, per ton	1	0	35
Shrimp baskets, each	0	2	
Skins:			
Calf, goat, sheep, lamb, or dog, per dozen	0	6	
Slates, per ton of 24 cubic feet	2	0	
Spirits (Foreign or British), per hogshead	1	0	40
Ditto, ditto, per gallon	0	1	
Stones, per ton of 16 cubic feet	1	6	
Steel, per ton	3	0	
Sugar, per cwt.	0	3	
Tallow, soap, and candles, per cwt.	0	3	45
Tea, per chest	1	0	
Tiles, per 1,000	1	6	
Tin and zinc, per ton	3	0	

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		s.	d.
	Tobacco, per cwt.	1	6
	Turbot, per score	0	3
	Turnips, per ton	0	6
5	Turpentine and varnish, per barrel	0	6
	Turtle, each	2	6
	Vegetables (not enumerated), per cwt.	0	4
	Vinegar, per hogshead	0	6
	Vitriol, per carboy	1	0
10	Water, per cask	0	3
	Wine, per hogshead	1	0
	Ditto, bottled, per dozen bottles	0	2
	Wood:		
	Fir, pine, and other descriptions, not enumerated, per load of		
15	50 feet	1	6
	Oak or wainscoat, per load of 50 feet	2	0
	Firewood, per 216 cubic feet fathom	1	6
	Laths and lathwood, per fathom of 216 cubic feet	2	6
	Handspikes, per 120	3	0
20	Oars, per 120	5	0
	Spars under 22 feet in length, above $2\frac{1}{2}$ and under 4 inches in diameter, per 120	5	0
	Ditto, $2\frac{1}{2}$ inches in diameter and under, per 120	4	0
	Ditto, 22 feet in length and upwards, and not exceeding		
25	4 inches in diameter, per 120	9	0
	Ditto, above 4 and under 6 inches in diameter, per 120	14	0
	Spokes of wheels not exceeding 2 feet in length, per 120	2	0
	Ditto, exceeding 2 feet in length, per 120	3	0
	Trenails, per 1,000	2	6
30	Wedges, per 1,000	2	6
	Pipe staves, and others in proportion, per 120	2	6
	Lignum vitæ, fustic, logwood, mahogany, and rosewood, per ton	2	0
	Wool, per cwt.	0	4
35	Yarn, cwt.	0	2

All other goods not particularly enumerated above.

	Light goods, per cube foot	0	1
	Heavy goods, per ton	2	0

In charging the rates on goods, the gross weight or measurement of all goods
40 to be taken; and for any less weights, measures, and quantities than those above specified, a portion of the respective rates shall be charged.

III.—Rates for use of Weighing Machines.

	For goods weighed, for each ton or part of a ton	0	2

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IV.—RATES ON PASSENGERS AND PROMENADERS USING THE PIER.

	s.	*d.*
For every passenger or other person who shall land on the pier from, or embark from it on board of, any ship, vessel, packet, or passage boat, for each time any sum not exceeding - -	0	6
For every person who shall use the pier for the purpose of walking for exercise, pleasure, or any other purpose, except for embarking or disembarking, for each time any sum not exceeding - -	0	4
For every bath or sedan chair taken on the pier, for each time any sum not exceeding - - - - - -	0	6
For every perambulator taken on the pier, for each time any sum not exceeding - - - - - - -	0	2
For every master of any vessel, boat, or wherry, being an inhabitant of the parish of Kilscoran, and using the said pier for the purpose of going to or returning from his own vessel, boat, or wherry, an annual sum not exceeding - - - - -	20	0

V.—RATES ON PASSENGERS' LUGGAGE.

For every trunk, portmanteau, box, parcel, or other package within the description of luggage, not exceeding 28 lbs. - -	0	2
Over 28 lbs. and not exceeding 84 lbs. - - - -	0	4
Over 84 lbs. and not exceeding 112 lbs. - - - -	0	5
Over 112 lbs. and not exceeding 140 lbs. - - - -	0	6
Over 140 lbs. and not exceeding 196 lbs. - - - -	0	7
Over 196 lbs. and not exceeding 2 cwt. - - - -	0	8
And for every cwt. beyond - - - - -	0	4
And for every 20 lbs. weight in addition - - - -	0	1

St. Just.

SAINT JUST.

Order for the construction, maintenance, and regulation of a Harbour and Pier at Saint Just, in the county of Cornwall.

Incorporation of Company.

1.—The following persons, namely, Albertus Henry Dennis Vivian, John Boyns, Alfred William Ray, and John Rule Daniell, and all other persons and corporations subscribing to the undertaking authorized by this Order, and their executors, administrators, successors, and assigns respectively, shall be and are hereby constituted into a Company for the purpose of making, maintaining, and regulating the harbour and works authorized by this Order, and for those purposes shall be and are hereby incorporated by the name "The Saint Just Harbour and Pier Company," and by that name shall be one body corporate, with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes, but subject to the restrictions, of this Order.

Undertakers.

2.—The Saint Just Harbour and Pier Company, in this Order called the Company, shall be the undertakers of the works authorized by this Order.

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Incorporation of Clauses Acts.

3.—"The Companies Clauses Consolidation, Act, 1845," "The Lands Clauses Consolidation Acts, 1845 and 1860," except so much as relates to the purchase or taking of lands otherwise than by agreement, and Part I. of "The Companies Clauses Act, 1863," shall respectively be incorporated with this Order.

Capital.

4.—The capital of the Company shall be seventy thousand pounds, in seven thousand shares of ten pounds each.

Shares not to be issued until one-fifth paid up.

5.—The Company shall not issue any share created under the authority of this Order, nor shall any such share vest in the person accepting the same, unless and until a sum not being less than one-fifth part of the amount of such share has been paid in respect thereof.

Calls.

6.—No call shall exceed two pounds a share or be made payable within three months of a previous call.

Power to create preference shares.

7.—The Company, with the sanction of at least three-fifths in value of the votes of the shareholders present in person or by proxy at a general meeting specially convened for that purpose, may attach to all or any of the then unissued shares, not exceeding one-third part of the capital, dividend at a rate not exceeding five pounds per centum per annum, in priority to the dividend on the other shares of the capital.

Borrowing on mortgage.

8.—The Company from time to time may borrow on mortgage at interest any sum or sums of money not exceeding in the whole seventeen thousand five hundred pounds; but no money shall be so borrowed until the whole of the capital of seventy thousand pounds is subscribed for and taken and one-half thereof is paid up, and the Company satisfy the justice who certifies under section forty of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that the whole of the capital has been issued and accepted, and that one-half thereof has been paid up, and that not less than one-fifth part of the amount of each separate share has been paid on account thereof before or at the time of the issue or acceptance thereof, and that the capital was issued bonâ fide, and is held by registered holders thereof legally liable for so much thereof as is not paid up (of which satisfaction the certificate shall be conclusive evidence).

Receiver.

9.—The mortgagees of the Company may enforce the payment of the arrears of interest, or of principal and interest, due on their respective mortgages by the appointment of a receiver, and the amount to authorize a requisition for a receiver is one thousrnd seven hundred pounds.

No interest or dividend on calls.

10.—The Company shall not out of any money raised by calls or borrowing pay interest or dividend to any shareholder on the amount called up in respect of shares held by him; but this provision shall not prevent the Company paying to any shareholder interest on money advanced by him beyond the amount of calls actually made as may be in conformity with "The Companies Clauses Consolidation Act, 1845."

Money not to be used for deposit under Standing Order,

11.—The Company shall not out of any money so raised pay or deposit any money required to be paid or deposited in relation to any application to Parliament or the Board of Trade.

St. Just.

Money to be applied for purposes of Order.

12.—Every part of the money so raised shall be applied only for the purposes authorized by this Order.

First general meeting.

13.—The first general meeting of the Company shall be held within twelve months after the passing of an Act of Parliament confirming this Order, at such time and place as the directors determine.

Number of directors.

14.—The number of directors shall not be more than seven nor less than four.

Quorum of directors.

15.—The quorum of a meeting of directors shall be three.

First directors.

16.—Albertus Henry Dennis Vivian, John Boyns, Alfred William Ray, and John Rule Daniel, with such other shareholders (if any) as they add to their number, shall be the first directors, and the first directors shall continue in office till the first general meeting of the Company, when they shall retire from office, and directors shall be elected by the meeting, the retiring directors being eligible for re-election.

Qualification.

17.—The qualification of a director elected by the shareholders, or nominated as aforesaid, shall be the holding in his own right of shares in the capital of the Company to the aggregate nominal amount of at least one hundred pounds.

Remuneration.

18.—The remuneration of the directors shall from time to time be fixed by a general meeting, and shall be divided among the directors as they determine.

Power to take lands by agreement.

19.—For the purposes of the works authorized by this Order, the Company may from time to time, by agreement, enter on, take, and use all or such parts of the lands shown on the plans deposited for the purposes of this Order as they think requisite for the purposes of the proposed Harbour, Pier, and works, and the conveniences connected therewith.

Lands for extraordinary purposes.

20.—The Company may purchase and hold for extraordinary purposes any land not exceeding in the whole twenty acres.

Power to make works.

21.—Subject to the provisions of this Order, and subject also to such alterations (if any) in the deposited plans as the Board of Trade require from time to time before the completion of the works, in order to prevent injury to navigation, the Company may, on the lands taken by them under this Order, in the lines and according to the levels shown on the deposited plans and sections (so far as the same are shown thereon), and within the limits of deviation shown on those plans, make and maintain the Harbour, Pier, and works authorized by this Order.

Description of works authorized.

22.—The works authorized comprise the following:

(1.) A Harbour and basin occupying the site of the beach called "Pornenven Beach," between Bollowal Cliff on the north and Letcher Cliff on the south, bounded on the west by a pier or breakwater extending from under Bollowal Cliff in a southerly direction a length of about one hundred and seventy feet towards the Crow Rock, called pier No. 1; and another pier or breakwater, extending from

under Letcher Cliff about one hundred and twenty feet in a northerly direction towards the south extremity of the before-mentioned pier No. 1, and called pier No. 2; on the south by a wharf about two hundred and fifty-five feet in length, extending in an easterly direction from the south end of pier No. 2, and called wharf No. 1; on the east by a wharf about two hundred and thirty feet in length, extending across Pornenven Beach in a northerly direction from the eastern end of wharf No. 1, and called wharf No. 2; on the north-east by a wharf about two hundred and fifty feet in length, extending in a north-westerly direction along the line of Bollowal Cliff from the northern extremity of wharf No. 2, and called wharf No. 3; on the north-west by a wharf about one hundred and thirty feet in length, extending from the north-west end of wharf No. 3 to the north end of pier No. 1, and called wharf No. 4;

(2.) A pier or breakwater extending in a westerly direction from or near the south end of pier No. 2, the north face being about two hundred and twenty-five feet in length, and the south face about four hundred and ten feet in length, and called pier No. 3:

(3.) A pier or breakwater extending from a point under Bollowal Cliff about three hundred and forty feet north-west of the north-west end of wharf No. 3 in a south-westerly direction about seven hundred feet in length, and called pier No. 4.

Additional works.

23.—The Company may also make, execute, and maintain the following works authorized by this Order:—

(1.) All embankments, piers, jetties, piles, wharves, loading-berths, landing-places, roads, approaches, warehouses, sheds, and other works and conveniences in and connected with the harbour and pier before described; and

(2.) The sufficient and effectual dredging, scouring, cleansing, and removing of any banks of sand, shingle, or mud within or adjoining the harbour and works or in the approaches to the harbour.

Limits of harbour.

24.—The limits within which the Company shall have authority, and which shall be deemed the limits to which the provisions of this Order extend, shall comprise the whole of the space within fifty fathoms outside the outer face of pier No. 3 and pier No. 4 and a line drawn from the outer extremity of pier No. 3 to the outer extremity of pier No. 4.

Power to take rates in Schedule.

25.—The Company may for the use of the harbour, pier, and works demand and take, in respect of the vessels, persons, fish, animals, and goods in the Schedule hereto annexed, any sums not exceeding the rates in that Schedule specified.

Certain fishing vessels under stress of weather exempt from rates.

26.—Fishing vessels belonging to countries with which for the time being treaties exist exempting from duties and port charges such vessels, when forced by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom, shall, when forced by stress of weather to make use of the

A.D. 1869.

St. Just.

harbour and pier authorized by this Order, and not breaking bulk while making use thereof, be exempt from rates leviable under this Order.

Exemption of Custom House officers from rates.

27.—Officers of Customs, being in the execution of their duty, shall at all times have free ingress, passage, and egress into and over the harbour, pier, and works by land and with their vessels without payment.

Steam engines, lighters, &c.

28.—The Company may provide and use such steam engines, steam vessels, piling engines, diving bells, ballast lighters, rubbish lighters, barges, boats, cranes, buoys, mooring posts, mooring craft, weighing machines, tackle, and other machinery, vessels, apparatus, and conveniences as they think proper for carrying on the business of the Company, or for any of the purposes of this Order, and may demand and take such sums for the use thereof as they think reasonable.

Meters and weighers.

29.—The Company shall have the appointment of meters and weighers on or in connection with the harbour and pier.

Restriction on use of pier.

30.—Nothing in this Order shall entitle any person with any vessel or boat to ship or unship at the pier authorized by this Order any sheep, cattle, or merchandise, or to ship or unship there anything which, in the judgment of the Company, might in any manner interfere with the use of the pier for the embarking or landing of passengers.

Light to be exhibited.

31.—The Company shall, at the outer extremity of the pier and works authorized by this Order, exhibit from sunset to sunrise such light (if any) as shall from time to time be directed by the corporation of Trinity House, Deptford Strond.

Saving rights under Crown Lands Act, 1866.

32.—This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade by "The Crown Lands Act, 1866," nor shall any works under this Order be commenced within limits affected by any such rights, interests, powers, authorities, or privileges, without the assent of the Board of Trade having been first obtained.

Short title.

33.—This Order may be cited as "The Saint Just Harbour and Pier Order, 1869."

SCHEDULE to which the foregoing Order refers.

I.—RATES ON VESSELS USING THE HARBOUR OR PIER.

	s.	*d.*
For every vessel under the burden of 15 tons, per ton - - -	0	4
For every vessel of the burden of 15 tons and under 50 tons, per ton	0	6
For every vessel of the burden of 50 tons and under 100 tons, per ton	0	8

	s.	d.
For every vessel of the burden of 100 tons and under 150 tons, per ton	0	10
For every vessel of the burden of 150 tons and upwards, per ton	1	0
All lighters, for each trip, per ton	0	2
All boats, entirely open, landing or taking on board goods, each	0	6
All boats belonging to the Harbour engaged in the seine fishery, per annum	20	0
All boats not belonging to the Harbour engaged in the seine fishery, per month, to be paid in advance	7	6
All boats engaged in hook and line fishery, per annum	10	0

II.—Rates on Goods shipped or unshipped at the Pier.

Ale, beer, and porter, per hogshead	0	6
Ale (bottled), per barrel	0	4
Ditto, per dozen bottles	0	9
Anchors, per cwt.	0	1
Anchor stock, per foot run	0	2
Bark, per ton	2	0
Bedding, per bundle	0	3
Beef or pork, per cwt.	0	3
Ditto, per barrel	0	6
Biscuit or bread, per cwt.	0	3
Blubber, per ton of 252 gallons	3	0
Bones and bone dust, per ton	1	6
Bottles, per gross	0	9
Bricks, per 1,000	1	6
Butter and lard, per barrel	0	6
Ditto, per firkin	0	3
Cables, iron or hempen, per ton	3	0
Canvas, per bolt	0	1
Casks (empty), not being return packages, per puncheon	0	3
Other casks in proportion.		
Cattle :		
Bulls, cows, and oxen, each	3	0
Calves, each	1	0
Horses, each	4	0
Pigs, each	0	6
Sheep, each	1	0
Chalk, per ton	1	0
Cheese, per cwt.	0	4
Chimney pots, each	0	3
Clay, per ton	1	0
Cloth, haberdashery, &c., per package not exceeding cwt.	0	6
Carriages :		
Chaises and other four-wheeled carriages, each	7	6
Gigs, carts, and other two-wheeled carriages, each	5	0
Hand-carts and perambulators, each	1	0

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	s.	d.
Coals, per ton	1	0
Copper, per ton	3	0
Cordage, per cwt.	0	3
Cork, per cwt.	0	6
Corpses, each	20	0
Crystal, per box or package	0	6
Dogs, each	0	6
Drugs (in casks, hampers, or boxes), per foot	0	2
Earthenware (in casks, hampers, or boxes), per foot	0	2
Earthenware (in crates), per foot	0	1
Eggs, per box	0	3
Fish, per hogshead, each way, in and out	2	6
Flax, per ton	2	0
Flour and meal, per sack	0	4
Ditto, per barrel	0	3
Fruit, per bushel or sieve	0	4
Furniture (household), per 5 cubic feet	0	4
Glass, per large crate	1	6
Ditto, per small crate or case	1	0
Ditto, per box	0	6
Grains and seeds, per quarter	0	6
Groceries not (enumerated)	0	6
Guano, per ton	1	6
Gunpowder, per barrel or keg	0	6
Hams, bacon, or tongues, per cwt.	0	4
Hardware, per ton	2	6
Hares and rabbits, per dozen	0	4
Hay, per ton	1	6
Ditto, per truss	0	2
Hemp, per ton	2	0
Herrings (fresh), per 1,000	0	3
Ditto (cured), per barrel	0	3
Hides, ox, cow, or horse (wet or dry), each	0	2
Iron:		
Bar, bolt, rod, and shots, per ton	1	6
Pig and old, per ton	1	0
Manufactured, per ton	2	6
Pots, each	0	1
Kelp, per ton	2	0
Lead, per ton	2	6
Leather (tanned and dressed), per cwt.	0	3
Lime, per 28 bushels	1	4
Limestone, per ton	1	0
Machinery, per ton	2	6
Manure (not enumerated), per ton	1	0
Masts and spars, 10 inches in diameter and upwards, each	4	6
Ditto, under 10 inches	3	0

		s.	d.
	Meat (fresh), per cwt.	0	6
	Milk, per gallon	0	0½
	Musical instruments, per cube foot	0	1
5	Nets, per 5 cube feet	0	4
	Oakum, per cwt.	0	2
	Oils, per ton	2	0
	Oil cake, per ton	2	0
	Oranges and lemons, per box	0	6
10	Ores, per ton	1	0
	Oysters, per bushel	0	3
	Paint, per cwt.	0	4
	Pitch and tar, per barrel	0	6
	Potatoes, per cwt.	0	2
15	Poultry and game, per dozen	0	4
	Rags and old rope, per ton	2	0
	Sails, per cwt.	0	6
	Salt, per cwt.	0	1
	Sand, per ton	1	0
20	Shrimp baskets, each	2	0
	Skins:		
	Calf, goat, sheep, lamb, or dog, per dozen	0	6
	Slates, per ton of 24 cubic feet	2	0
	Spirits (Foreign or British), per hogshead	1	0
25	Ditto, ditto, per gallon	0	1
	Stone, per ton of 16 cubic feet	1	6
	Steel, per ton	3	0
	Sugar, per cwt.	0	3
	Tallow, soap, and candles, per cwt.	0	3
30	Tea, per chest	1	0
	Tiles, per thousand	1	6
	Tin and zinc, per ton	3	0
	Tobacco, per cwt.	0	6
	Turbot, per score	0	3
35	Turnips, per ton	0	6
	Turpentine and varnish, per barrel	0	6
	Turtle, each	2	6
	Vegetables (not enumerated), per cwt.	0	4
	Vinegar, per hogshead	0	6
40	Vitriol, per carboy	1	0
	Water, per cask	0	3
	Wine, per hogshead	1	0
	Ditto, bottled, per dozen bottles	0	2
	Wood:		
45	Fir, pine, and other descriptions not enumerated, per load of 50 feet	1	6
	Oak or wainscot, per load of 50 feet	2	0

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	s.	d.
Firewood, per 216 cubic feet fathom	1	6
Laths and lathwood, per fathom of 216 cubic feet	2	6
Handspikes, per 120	3	0
Oars, per 120	5	0
Spars under 22 feet in length, above 2½ and under 4 inches in diameter, per 120	5	0
Ditto 2½ inches in diameter and under, per 120	4	0
Ditto 22 feet in length and upwards, and not exceeding 4 inches in diameter, per 120	9	0
Ditto above 4 and under 6 inches in diameter, per 120	14	0
Spokes of wheels not exceeding 2 feet in length, per 120	2	0
Ditto exceeding 2 feet in length, per 120	3	0
Trenails, per 1,000	2	6
Wedges, per 1,000	2	6
Pine staves (and others in proportion), per 120	2	6
Lignum vitæ, fustic, logwood, mahogany, and rosewood, per ton	2	0
Wool, per cwt.	0	4
Yarn, per cwt.	0	2

ALL OTHER GOODS NOT PARTICULARLY ENUMERATED ABOVE.

Light goods, per cubic foot	0	1
Heavy goods, per ton	2	0

In charging the rates on goods the gross weight or measurement of all goods to be taken, and for any less weight, measures, and quantities than those above specified a portion of the respective rates shall be charged.

III.—RATES FOR USE OF CRANES, WEIGHING MACHINERY, AND SHEDS.

1st. Rates of Craneage.

All goods or packages not exceeding 1 ton	0	4
Exceeding 1 ton and not exceeding 2 tons	0	6
„ 2 tons „ 3 „	0	8
„ 3 „ „ 4 „	0	10
„ 4 „ „ 5 „	1	0
„ 5 „ „ 6 „	1	2
„ 6 „ „ 7 „	1	4
„ 7 „ „ 8 „	1	6
„ 8 „ „ 9 „	1	10
„ 9 „ „ 10 „	2	4
„ 10 „	3	6

2nd. Weighing Machines.

For goods weighing, for each ton or part of a ton	0	3

3rd. Shed Dues.	*s.*	*d.*
For each ton of goods of 40 cubic feet, and for each ton of goods of 20 cwt., which shall remain in the sheds or other works of the pier for a longer time than 48 hours, the sum of *3d.*; and the sum of $1\frac{1}{2}$*d.* per ton for each day during which such goods shall remain after the first 48 hours.		
For any portmanteau, trunk, parcel, or other article of passengers' luggage, for each day, or part of a day, per package - -	0	2

IV.—Rates for Supply of Water on Piers.

Water, per 1,000 gallons - - - - -	10	0

V.—Rates on Passengers' Luggage.

For every trunk, portmanteau, box, parcel, or other package within the description of luggage, not exceeding 28 lbs. - - -	0	2
Over 28 lbs. and not exceeding 84 lbs. - - - -	0	4
„ 84 lbs. „ 112 lbs. - - - -	0	5
„ 112 lbs. „ 140 lbs. - - - -	0	6
„ 140 lbs. „ 196 lbs. - - - -	0	7
„ 196 lbs. „ 2 cwt. - -	0	8
And for every cwt. beyond - - - -	0	4
And for every 20 lb. in weight in addition - - - -	0	1

FOWEY.

Fowey.

Order for the management and improvement of the Harbour of Fowey, in the county of Cornwall.

Incorporation of Commissioners.

1.—There shall be a body of Commissioners for carrying this Order into execution, not exceeding eleven in number, which Commissioners and their successors shall be and are hereby for the purposes of this Order incorporated by the name of "The Fowey Harbour Commissioners," and by that name shall be a body corporate, with perpetual succession and a common seal, with power to purchase, take, hold, and dispose of land and other property for the purposes but subject to the restrictions of this Order, and which Commissioners are in this Order called "the Commissioners."

Appointment of the several Commissioners.

2.—The appointment of the several Commissioners under this Order shall be regulated as follows:

(1.) The mayor and burgesses of the borough of Lostwithiel, in this Order called "the corporation," shall as soon as may be appoint one person to be Commissioner, and whenever a vacancy is caused from time to time by death, resignation, or otherwise in the office of such Commissioner, shall appoint another person to fill the vacancy.

(2.) The Lostwithiel and Fowey Railway Company, acting by their directors, shall, as soon as may be, appoint three persons to be Commissioners, and whenever a vacancy is caused from time to time by death,

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resignation, or otherwise in the office of any one of such three Commissioners, the directors shall appoint another person to fill the vacancy.

(3.) The trustees or trustee of the will and codicil of Joseph Thomas Treffry, and of "Treffry's Estate Act, 1853," shall, as soon as may be, appoint two persons to be Commissioners, and whenever a vacancy is caused from time to time by death, resignation, or otherwise in the office of either of such two Commissioners, then such trustees or trustee, so long as any of the trusts of such will and codicil or of the Estate Act shall be subsisting, and when all such trusts have ceased then the lord or lords for the time being of the manor of Fowey otherwise Foy and Langurthowe shall appoint another person to fill the vacancy.

(4.) The owners of property and other persons rated to the relief of the poor for the parish of Fowey, in the county of Cornwall, upon a rateable value of not less than ten pounds a year, shall, on the third Monday in August one thousand eight hundred and sixty-nine, and on the third Monday in August in every following year, elect two persons to act as Commissioners for the year commencing on the first day of September following such election, and thence ensuing.

(5.) The owners of property and other persons rated to the relief of the poor for the township of Polruan, in the county of Cornwall, upon a rateable value of not less than ten pounds a year, shall on the third Monday in August one thousand eight hundred and sixty-nine, and on the third Monday in August in every following year, elect one person to act as a Commissioner for the year commencing on the first day of September following such election, and thence ensuing.

(6.) The Board of Trade may, if they think fit, appoint one person to be a Commissioner, and whenever any vacancy is caused from time to time by death, resignation, or otherwise in the office of such Commissioner, may, if they think, fit appoint another person to fill the vacancy.

(7.) The Council of His Royal Highness the Prince of Wales, or the Crown, as the case may be, in right of the Duchy of Cornwall, may at any time, if they think fit, appoint one person to be a Commissioner, and whenever any vacancy is caused from time to time by death, resignation, or otherwise in the office of such Commissioner may, if they think fit, appoint another person to fill the vacancy.

Determination of appointment of Commissioners.

3.—The appointment of any Commissioner under this Order, not being a Commissioner elected by ratepayers, may at any time be determined by the authority, body, or person in whom in case of the death or resignation of such Commissioner the appointment of another Commissioner in his place is vested.

Commencement of powers.

4.—The Commissioners shall be deemed fully constituted and have power to act under this Order as soon as five persons have been appointed or elected Commissioners; and any proceeding of the Commissioners shall not be invalidated or be illegal by reason of the non-appointment or non-election of or any informality in the appointment or election of a Commissioner.

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Incorporation of Commissioners Clauses Act.

5.—The Commissioners Clauses Act, 1847, so far as not inconsistent with this Order, shall be and is hereby incorporated with this Order, and shall, so far as the nature and circumstances of the case will admit, apply to the Commissioners collectively and severally, subject to the following provisions:—

(1.) Sections 6, 7, 20, 25, 32, 54, and 84 of the said Act shall not be incorporated with this Order.

(2.) Sections 17 to 19 inclusive, 21 to 24 inclusive, 26 to 31 inclusive, and 33 to 35 inclusive of the said Act, shall apply only to the election of the two Commissioner to be elected by the ratepayers of the parish of Fowey and the Commissioners to be elected by the ratepayers of the township of Polruan respectively.

(3.) With reference to sections 36 and 40 of the said Act, the first meeting of the Commissioners shall be held in the Town Hall of the town of Fowey on the first day of September next after the passing of the Act confirming this Order, at twelve o'clock noon; and an annual meeting of the Commissioners shall be held on the first Monday in the month of September in every year thereafter, at the place and hour above mentioned, or at such other place and hour as the Commissioners shall from time to time appoint.

(4.) With reference to section 39 of the said Act, the prescribed number (constituting a quorum) of the Commissioners shall be three.

(5.) The Board of Trade shall from time to time appoint a permanent auditor of the accounts of the Commissioners, and fix the salary to be paid to him, and such salary shall be paid to him accordingly by the Commissioners out of the rates levied under this Order.

Compensation to Lostwithiel Corporation.

6.—The Commissioners shall pay to the corporation, as compensation for the loss of the tolls heretofore levied in respect of the harbour by the corporation, an annual sum equal to the net annual revenue received by the corporation from such tolls upon the average of the three years next preceding the passing of the Act confirming this Order, the amount of such annual sum, if not agreed upon in writing between the corporation and the Commissioners before the first day of January one thousand eight hundred and seventy, to be ascertained by an arbitrator to be nominated for the purpose by the Board of Trade and paid by the Commissioners. Such annual sum shall be paid by equal half-yearly payments on the first day of March and the first day of September in each year, the first payment to be made on the first day of March one thousand eight hundred and seventy.

Harbour and works vested in Commissioners.

7.—From and after the first day of September one thousand eight hundred and sixty-nine, all the estate, right, and interest of the corporation in or over the harbour of Fowey, and in, over, or in respect of the rights and privileges connected therewith, shall be and are hereby vested in the Commissioners, subject to the debts, contracts, obligations, and liabilities affecting the same; and the harbour and works shall thereafter be maintained, repaired, regulated, extended, and improved by the Commissioners, under the authority and subject to the provisions of this Order.

Commissioners to be Undertakers.

8.—The Commissioners shall be the Undertakers of the works authorized by this Order.

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Limits of harbour.

9.—The limits within which the Commissioners shall have authority, and which shall be deemed the limits to which the provisions of this Order extend, shall comprise the harbour of Fowey and the river Fowey, between a line drawn from Punche's Cross to Saint Catherine's Point and Lostwithiel Bridge.

Works authorized.

10.—The works by this Order authorized, and which may be executed and maintained by the Commissioners, comprise the dredging of the harbour and the bar therein, and the dredging, scouring, cleansing, and removing the banks of sand and mud within or adjoining the harbour, and the deepening the harbour and the entrance thereto, the improvement of the harbour in other respects, the laying down buoys and moorings, and the erecting or placing of other appliances or conveniences for the use of vessels frequenting the harbour.

Power to levy rates.

11.—The Commissioners may demand and receive, on any and every vessel anchoring or mooring within the limits of this Order or otherwise using the harbour, any sum not exceeding the rate of one penny per ton register of such vessel; and if the same shall remain in the harbour more than two months continuously, then for every month or part of a month during which the same shall so remain after the first two months a further sum not exceeding the rate of one halfpenny per ton register of such vessel; provided that all vessels forced by stress of weather to seek shelter within the limits of this Order, and not breaking bulk while making use thereof, shall be exempt from rates leviable under this clause of this Order.

On enlargement of entrance channel.

12.—As soon as a channel or cut through the bar shall be made, so as to provide a clear depth throughout it of twelve feet at least below low-water of ordinary spring tides, and of a clear width throughout it of two hundred feet at least, and so long as this channel shall be maintained at such depth and width at least, the Commissioners may, in addition to the rates authorized by the last preceding clause of this Order, demand and receive in respect of every vessel liable to payment of rates under the same clause, and drawing twelve feet of water or upwards, a further sum not exceeding the rate of one halfpenny per ton register of such vessel, and may also demand and receive, in respect of every other vessel drawing twelve feet of water or upwards, which shall go above Whitehouse Point, a sum not exceeding the rate of one halfpenny per ton register of such vessel.

Extension of time for completing works.

13.—The Board of Trade, if it appears to them expedient, may, from time to time, extend the period for the completion of the works authorized by this Order.

As to evidence of completion of entrance channel.

14.—The chairman of quarter sessions of the county of Cornwall, on proof being adduced to him that the channel through the bar is throughout made of the depth of twelve feet at least and of the width of two hundred feet at least, or having been so made has ceased to be maintained of that depth or width at least, as the case may be, shall from time to time sign and give to the Commissioners, or any other person applying for this purpose, a certificate of the fact proved before him, which certificate shall be conclusive evidence of the

matters therein certified, provided that such chairman shall have power to hear parties in opposition to the granting of such certificate.

Certain fishing vessels under stress of weather, and other boats exempt from rates.

15.—Fishing vessels belonging to countries with which for the time being treaties exist exempting from duties and port charges such vessels, when forced by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom, shall, when forced by stress of weather to make use of the harbour and limits to which this Order relates, and not breaking bulk while making use thereof, and also all yachts, pleasure boats, and open boats shall be exempt from all rates leviable under this Order.

Power to Board of Trade to reduce rates.

16.—The Board of Trade, at any time, on application in writing from six or more of the owners of vessels or boats resorting to the harbour, and after hearing the Commissioners, may, if the rates authorized by this Order appear to the Board of Trade excessive, or disproportionate to the benefits conferred, reduce the same, but without prejudice to the rights of any mortgagee; and the Board of Trade may at any time raise the rates to any amount not exceeding the amounts authorized by this Order; and the powers conferred by this section of this Order may be exercised from time to time as the Board of Trade may see fit.

Power to Board of Trade, in certain events, to supersede this Order.

17.—The Board of Trade, at any time after the expiration of three years from the passing the Act confirming this Order, on such application as mentioned in the last preceding section, and after hearing the Commissioners, may, if it appear to the Board inexpedient that the powers of the Commissioners should be continued, either by reason of such powers not being exercised or not being properly exercised, or for any other cause, declare all such powers at an end, and upon a declaration so made this Order shall be deemed repealed, and shall cease to have any effect; but no declaration under this Order shall be made by the Board of Trade while any principal money borrowed under this Order, or any interest thereon, remains unpaid.

Customs officers.

18.—Officers of Customs, being in the execution of their duty, shall at all times have free ingress, passage, and egress to, through, and out of the harbour and the works of the Commissioners, by land and with their vessels and otherwise, without payment.

Rates may be leased.

19.—The Commissioners may from time to time lease the rates authorized by this Order for any period not exceeding ten years, to take effect in possession, and for such rent or consideration and on such terms and conditions as they think fit; and the lessees shall have and may exercise during the continuance of such lease the same powers of levying and recovering the rates as the Commissioners have or might exercise under this Order.

Borrowing powers.

20.—The Commissioners may from time to time borrow at interest any sum required for the purposes of the works authorized by this Order, not exceeding in the whole the sum of two thousand pounds, on the security of the rates authorized by this Order; and any money borrowed under this Order, and discharged otherwise than by means of the sinking fund, may be re-borrowed, if required for the purposes of this Order, and so toties quoties.

Monies to be applied for the purposes of Order.

21.—Every part of the money borrowed under this Order shall be applied only for the purposes authorized by this Order.

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Application of rates and income.

22.—The Commissioners shall apply all money received by them from the rates authorized by this Order for the purposes and in the order following, and not otherwise:—

(1.) In paying the costs of and connected with the preparation and making of this Order:

(2.) In paying the expense of the maintenance, repair, management, and regulation of the harbour and the works connected therewith:

(3.) In paying year by year the interest accruing on money borrowed under this Order:

(4.) In paying to the corporation the annual sum by way of compensation payable to them under this Order:

(5.) The surplus revenue of the harbour (if any), after providing for the purposes aforesaid, shall be applied in creating a sinking fund for the repayment of the principal monies borrowed by the Commissioners.

Commission may provide dredges, engines, &c.

23.—The Commissioners may from time to time purchase, lease, provide, or hire such dredges, engines, tugs, vessels, lighters, tools, plant, or other materials as they think fit, and may from time to time demand and receive such sums for the use of the same as they think fit, or may sell and dispose of the same; and the money thereby realised shall be applied for carrying into effect the purposes of this Order, or some of them.

Pilots to be within certain limits subject to harbour master.

24.—All pilots acting within the limits of this Order shall, as regards the berthing and mooring of vessels, be subject to and shall obey the directions of the Commissioners or their harbour master; but any pilot who shall misconduct himself shall be amenable only to and punishable only by the pilotage authority of the port of Fowey, which authority are by this Order required to act accordingly on any complaint preferred to that authority by the Commissioners or their harbour master.

Parts of Harbours, Docks, &c. Act not incorporated.

25.—The following sections of "The Harbours, Docks, and Piers Clauses Act, 1847," shall not be incorporated with this Order; namely, sections 6 to 11 inclusive, sections 25 and 26, sections 37 to 42 inclusive, and section 45; and, notwithstanding anything in that Act contained, byelaws made under that Act and this Order shall not come into operation until the same have received the allowance and confirmation of the Board of Trade, which shall be sufficient for all purposes.

Reservation of jurisdiction of Trinity House.

26.—Nothing in this Order contained shall prejudice or affect the rights or jurisdiction of the corporation of Trinity House, Deptford Strond, in respect of any lights, buoys, or beacons, or any other matter of which they have the management or control.

Commencement of Order.

27.—The provisions contained in this Order with respect to the appointment and election and meeting of the Commissioners, and proceedings at such meeting, shall take effect and be in force immediately after the passing of the Act confirming this Order; and all the other provisions of this Order shall take effect and be in force, and the dues authorized by this Order may be demanded and received, from and after the first day of September one thousand eight hundred and sixty-nine.

Saving of rights under Crown Lands Act, 1866.

28.—This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the

Board of Trade by "The Crown Lands Act, 1866;" nor shall any works under this Order be commenced within limits affected by any such rights, interests, powers, authorities, or privileges, without the assent of the Board of Trade having been first obtained. A.D. 1869. *Fowey.*

29.—This Order shall not prejudice or affect the rights and privileges of the Honourable George Matthew Fortescue, his heirs, successors, or assigns, as owners of any ancient ferry within the limits of this Order. Saving rights of the Hon. G.M. Fortescue.

30.—This Order may be cited as "The Fowey Harbour Order, 1869." Short title.

PADSTOW. *Padstow.*

Order for the improvement and further regulation of the Harbour of Padstow in the County of Cornwall.

1.—The Commissioners constituted under the Act of the seventh year of the reign of Her present Majesty Queen Victoria, cap. 24, intituled "An Act for "regulating, maintaining, and improving the Port of Padstow in the county "of Cornwall, and the navigable parts of the River Camel or Allen, in the "same County," in this Order called "the Local Act," shall be the undertakers of the works authorized by this Order, and the expression "the Commissioners," used in this Order, shall mean the Commissioners under that Act. Preamble.

2.—From and after the passing of the Act confirming this Order, section 113. of the Local Act shall be and is hereby repealed. Repeal of sect. 113 of the Local Act.

3.—For the purposes of the works authorized by this Order, the Commissioners may from time to time, by agreement, enter upon, take, and use all or any part of the land shown on the plans deposited for the purposes of this Order, as intended to be taken and used for the purposes of the proposed works. Power to take lands by agreement.

4.—Subject to the provisions of this Order, and subject also to such alterations (if any) in the plans and sections deposited for the purposes of this Order, as the Board of Trade require from time to time before the completion of the works, in order to prevent injury to navigation, the Commissioners may, on the sites designated by this Order, and in accordance with the deposited plans and sections, execute and maintain within the limits of deviation shown on the plans the works authorized by this Order, with such alterations and additions (if any) thereto as the Board of Trade may from time to time consent to for the benefit of navigation. Power to execute works.

5.—The works authorized by this Order comprise the following:— Description of works.

1. The lowering of the bluff of Stepper Point on the western side of the entrance to the harbour of Padstow, commencing at the outer end, on the lines and according to the plan laid down by the Royal Commissioners on Harbours of Refuge, for the improvement of Padstow as a Harbour of Refuge, and specified in the report of the said Royal Com-

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Padstow.

missioners addressed to Her most gracious Majesty, and dated the 15th day of April 1859.

2. The making and maintaining a place of deposit for the stone and material which may be raised and removed during the lowering of the said bluff.

3. The building of six or more cottages at a place near Hawker's Cove, in the said harbour, for the purpose of providing residences for a boat's crew as near the entrance of the harbour as convenient.

Further powers as to works.

6.—The Commissioners may also execute and maintain all landing-places, roads, approaches, buildings, and other works and conveniences which from time to time they may think necessary for effectuating any of the purposes of this Order; and may do any of the works authorized by this Order, either by themselves, their servants, or by others; or may contribute any portion of the cost of the said works, should the same or any part thereof be undertaken by persons other than the said Commissioners, and generally make such arrangements as may appear to them desirable for carrying out the said works.

Power to take leases from C. P. Brune, Esq., and succeeding Lords of the Manor of Padstow.

7.—The Commissioners may, upon such conditions as they may be able to arrange, take to themselves, their successors and assignees, a lease for any term not exceeding 10 years from the 29th day of September 1869 from Charles Prideaux Brune, Esq., Lord of the Manor of Padstow, or his successors, of the lands at or near Stepper Point shown upon the deposited plans, and by such lease obtain authority from him or them to lower the same Bluff at Stepper Point, and to make and maintain the said place of deposit; and also a lease for any term not exceeding seventy-two years from the 25th day of March 1870, of the land near Hawker's Cove, shown upon the said plans, as a site on which to build the proposed cottages, and which cottages, with the gardens annexed thereto, shall occupy a space not exceeding three acres; and any three of the Commissioners may by their hands and seals execute the counterparts of such leases on behalf of the whole number of Commissioners.

Power to sell materials to be removed from Stepper Point.

8.—The Commissioners may make marketable and sell the material to be removed from Stepper Point by reason of the lowering of the said bluff, as authorized by this Order.

Power to levy new rates.

9.—The Commissioners may demand and receive, in addition to the tolls and rates by the Local Act authorized to be levied for and at the said Harbour of Padstow, any sums not exceeding the several rates specified in the Schedule hereto in respect of the vessels described in the same Schedule.

Application of rates and income.

10. The Commissioners shall apply all money received by them from the rates authorized by the Local Act or this Order, and all other income coming into their hands in respect of the works authorized by that Act or this Order, or from land or property connected therewith, for the purposes and in the order following, and not otherwise:

(1.) In paying the costs of and connected with the preparation of this Order, so far as the same are not payed out of money borrowed;

(2.) In paying the expense of the maintenance, repair, management, and regulation of the harbour;

Subject to providing for payments (1) and (2) the rates authorized by this Order, or so much of such rates as shall not be required for the purpose of making such payments, shall be applied as follows:—

(3.) In paying year by year the interest accruing on money borrowed and applied for the purposes of works authorized by this Order, which interest shall be deemed payable out of the rates authorized by this Order in exoneration so far as may be of the rates authorized by the Local Act;

(4.) In creating a sinking fund for the discharge of the principal of money borrowed and applied for the purposes of works authorized by this Order.

And subject to payments (1) and (2), which shall be made primarily out of the rates authorized by the Local Act, the last-mentioned rates shall be applied as follows:—

(5.) In paying year by year the interest on money borrowed and applied for the purposes of the Local Act, and so much of the interest on money borrowed for the purposes of this Order as shall not be discharged by payment (3);

(6.) The surplus (if any) of the rates authorized by the Local Act shall be disposed of according to the provisions of that Act.

Extension of borrowing powers contained in the Local Act.

11.—The operation of the 53rd and 68th sections of the Local Act shall be extended to suit the purposes of this Order, so that it shall be lawful for the Commissioners from time to time to borrow at interest on the credit of the rates leviable by them under the Local Act and this Order, and any other property vested in them, any sum or sums of money which they may be entitled to raise under the said 53rd section, and apply the same for the purposes authorized by the Local Act and this Order, and also to apply the same for payment of the costs of and connected with the preparation of this Order.

Application of money borrowed.

12.—All money borrowed under the Local Act or this Order shall be applied only for the purposes of the Local Act and this Order.

Separate account of moneys. Limitation of levy of rates.

13.—The Commissioners shall keep a separate account of the rates received under this Order, and the application thereof, as distinguished from the rates received under the Local Act, and also a separate account of the moneys expended for the purposes of works authorized by this Order only as distinguished from the purposes of the Local Act; and when by means of the sinking fund in this Order mentioned there shall have been provided a sum equal to the amount expended for the purposes of works authorized by this Order, then the additional rates authorized by this Order shall cease to be levied, unless the Board of Trade shall otherwise direct, and then such rates shall be levied to such extent only, and subject to such conditions, as the Board of Trade may approve.

Application of rest of the Local Act.

14.—All the other provisions of the Local Act, so far as applicable, and not altered by this Order, shall extend to the works by this Order authorized, and

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to the Harbour of Padstow as improved by virtue of the provisions in this Order contained; and to all deeds, contracts, orders, matters and things, which are by this Order authorized to be executed and done by or on behalf of the Commissioners.

15.—"The Harbours, Docks, and Piers Clauses Act, 1847," shall not be incorporated with this Order.

Certain fishing vessels under stress of weather exempt from rates.

16.—Fishing vessels belonging to the countries with which for the time being treaties exist, exempting from duties and port charges such vessels when forced by stress of weather to seek shelter in the ports or on the coast of the United Kingdom, shall, when forced by stress of weather to make use of the harbour, and not breaking bulk while making use thereof, be exempt from rates leviable under the Local Act and this Order.

Customs' officers.

17.—Officers of Customs in the execution of their duty shall at all times have free ingress, passage, and egress to, through, and out of the harbour and works of the Commissioners, by land, and with their vessels and otherwise, without payment.

Commissioner may provide dredges, engines, &c.

18.—The Commissioners may, for the purposes of the harbour, or any of them, from time to time purchase, provide, lease, or hire such dredges, engines, tugs, vessels, lighters, tools, plant, or other materials as they think fit, and may from time to time demand and receive such sums for the use of the same as they think fit; or may sell or dispose of the same, and the money thereby realised shall be applied to carrying into effect the purposes of this Order, or some of them.

Saving rights under Crown Lands Act.

19.—This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade by "The Crown Lands Act, 1866;" nor shall any works under this Order be commenced within limits affected by any such rights, interests, powers, authorities, or privileges, without the consent of the Board of Trade having been first obtained.

Construction of Acts.

20.—The Local Act, so far as not by this Order repealed, and this Order, shall be read and construed together as one Act.

Short title.

21.—This Order may be cited as "The Padstow Harbour Improvement Order, 1869."

SCHEDULE to which the foregoing Order refers.

	£	s.	d.
For every vessel, laden or partly laden, entering the said harbour, and being within a line drawn from the outer end of Stepper Point to Trebetherick Point, and not approaching nearer to the Town of Padstow than a line drawn from the south side of Saint George's Cove to the south side of Bray Hill, per register ton	0	0	1
For every vessel in ballast or unladen, entering the said harbour, and being within the said limits, and departing again without taking in any cargo, per register ton	0	0	0½

Pier and Harbour Orders Confirmation.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE AND ON RE-COMMITMENT]

For confirming certain Provisional Orders made by the Board of Trade under The General Pier and Harbour Act, 1861, relating to Clifton-ville, Gillingham, Rosslare, Saint Just, Fowey, and Padstow.

(*Prepared and brought in by Mr. Lefevre and Mr. John Bright.*)

Ordered, by The House of Commons, *to be Printed,* 11 *June* 1869.

[Bill 161.]

Under 6 *oz.*

A

B I L L

FOR

Confirming certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act, 1861, relating to Falmouth, Fowey, and Padstow. A.D. 1869.

WHEREAS a Provisional Order made by the Board of Trade under the General Pier and Harbour Act, 1861, is not of any validity or force whatever until the confirmation thereof by Act of Parliament: Preamble. 24 & 25 Vict. c. 45.

And whereas it is expedient that the several Provisional Orders made by the Board of Trade under the said Act, and set out in the schedule to this Act, be confirmed by Act of Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. The several orders set out in the schedule to this Act shall be and the same are hereby confirmed, and all the provisions thereof in manner and form as they are set out in the said schedule shall, from and after the passing of this Act, have full validity and force. Confirmation of Orders in Schedule.

2. This Act may be cited as The Pier and Harbour Orders Confirmation Act, 1869 (No. 2). Short title.

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The SCHEDULE OF ORDERS.

1. FALMOUTH.—Improvement and regulation of Harbour.
2. FOWEY.—Improvement and regulation of Harbour.
3. PADSTOW.—Improvement of Harbour.

Falmouth.

FALMOUTH.

Order for the Maintenance and Regulation of the Harbour of Falmouth, in the county of Cornwall.

Incorporation of commissioners.

1. There shall be a body of Commissioners for carrying this Order into execution, not exceeding in number fifteen, which Commissioners and their successors are hereby for the purposes of this Order incorporated by the name of "The Falmouth Harbour Commissioners," and by that name shall be a body corporate, with perpetual succession and a common seal, and are in this Order called "the Commissioners."

Appointment of the several commissioners.

2. The appointment of the Commissioners shall be regulated as follows, that is to say:

(1.) The Board of Trade may, if they think fit, appoint two persons to be Commissioners under this Order, and whenever a vacancy is caused by death, resignation, or otherwise in the office of either of those two Commissioners, may, if they think fit, appoint another person to fill the vacancy, and so toties quoties.

(2.) The Lord High Admiral, or the Lords Commissioners for executing the office of Lord High Admiral, may, if they think fit, appoint one person to be Commissioner under this Order, and whenever a vacancy is caused by death, resignation, or otherwise in the office of such Commissioner under this Order, may, if they think fit, appoint another person to fill the vacancy, and so toties quoties.

(3) The Corporation of Trinity House, Deptford Strond, may, if they think fit, appoint two persons to be Commissioners under this Order, and whenever a vacancy is caused by death, resignation, or otherwise in the office of either of those two Commissioners, may, if they think fit, appoint another person to fill the vacancy, and so toties quoties.

(4.) The Mayor, Aldermen, and Burgesses of the borough of Falmouth, acting by the Town Council of the Borough, shall, as soon as may be, appoint two persons to be Commissioners under this Order, and whenever a vacancy is caused by death, resignation, or otherwise in the office of either of those two Commissioners, shall appoint another person to fill the vacancy, and so toties quoties.

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Falmouth.

(5.) The Falmouth Docks Company, acting by their directors, shall, as soon as may be, appoint two persons to be Commissioners under this Order, and whenever a vacancy is caused by death, resignation, or otherwise in the office of either of those two Commissioners, shall appoint another person to fill the vacancy, and so toties quoties.

(6.) The Local Board for the parish of Falmouth shall, as soon as may be, appoint two persons to be Commissioners under this Order, and whenever a vacancy is caused by death, resignation, or otherwise in the office of either of those two Commissioners, shall appoint another person to fill the vacancy, and so toties quoties.

(7.) The port of Falmouth Chamber of Commerce shall, as soon as may be, appoint three persons to be Commissioners under this Order, and whenever a vacancy is caused by death, resignation, or otherwise in the office of any one of those three Commissioners, shall appoint another person to fill the vacancy, and so toties quoties.

(8.) The Right Honorable John Earl of Kimberley, his heirs and assigns, lords of the manor of Arwenack, shall, as soon as may be, appoint one person to be Commissioner under this Order, and whenever a vacancy is caused by death, resignation, or otherwise in the office of such Commissioner, shall appoint another person to fill the vacancy, and so toties quoties.

Determination of appointment of commissioners.

3. The appointment of any Commissioner under this Order may at any time be determined by the authority, body, or person in whom in case of the death or resignation of such Commissioner the appointment of another Commissioner in his place is vested.

Incorporation of parts of 10 & 11 Vict. c. 16.

4. "The Commissioners Clauses Act, 1847," (except sections 6 and 7 and sections 17 to 35, both inclusive,) and except so far as the other sections thereof are inconsistent with this Order, is hereby incorporated with this Order; and the same Act shall, as far as the nature and circumstances of the case will admit, apply to the Commissioners collectively and severally; but with reference to section 39 thereof the prescribed number (constituting a quorum) of the Commissioners shall be three.

Commencement of powers.

5. The Commissioners shall be deemed fully constituted and have power to act under this Order, as soon as five persons have been appointed Commissioners; and any proceeding of the Commissioners shall not be invalidated or be illegal by reason of the non-appointment of or any informality in the appointment of a Commissioner.

Undertakers.

6. The Commissioners shall be the Undertakers of the works authorized by this Order.

Limits of commissioners' powers.

7. The limits within which the Commissioners shall have authority (which shall be deemed the limits to which this Order extends) shall include so much of the harbour of Falmouth as lies within the limits of the municipal borough of Falmouth, and is not within the limits defined by the 39th section of the Falmouth Docks Act, 1859, or by the 65th section of the Falmouth Docks Act, 1864, as the limits of the jurisdiction of the Falmouth Docks Company.

Works authorized.

8. The works by this Order authorized, and which may be executed and maintained by the Commissioners, comprises the deepening of the harbour,

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the improving of the harbour and quays, the laying down buoys and moorings, and the erecting or placing of other appliances or conveniences for the use of vessels frequenting the harbour.

Power to levy tolls.

9. The Commissioners may demand and receive, on any and every vessel anchoring or mooring within the limits of this Order, or lying alongside any wharfs or quays within the limits of this Order, any sum not exceeding the rate of one halfpenny per ton register of such vessel; provided that all vessels forced by stress of weather to seek shelter in the harbour, and not breaking bulk while making use thereof, shall be exempt from rates leviable under this Order; provided also, that the rates leviable under this Order shall not be demanded or received in respect of the same vessel more than twice in any one year ending on the 31st day of December, nor shall any such rates be demanded or received in respect of the vessels of officers of Customs.

Power to borrow.

10. The Commissioners may from time to time borrow and re-borrow at interest such money as may be required for the purposes of the works by this Order authorized, not exceeding in the whole the sum of 5,000*l.*, on the security of the rates by this Order authorized to be levied.

Application of money borrowed.

11. Every part of the money borrowed under this Order shall be applied only for the purposes of this Order.

Application of tolls.

12. The Commissioners shall apply all rates and other income received under this Order for the purposes and in the order following, and not otherwise:

1. In paying the expenses connected with the preparation and making of this Order:
2. In paying the salary of the harbour master, and the expenses of maintaining in proper condition all buoys, moorings, appliances, and other conveniences belonging to the harbour, and paying all other current annual expenses of the Commissioners:
3. In paying year by year the interest on money borrowed under this Order:
4. In paying the cost of the works authorized by this Order:
5. In creating a sinking fund in manner, and, so far as circumstances will admit, in the proportion specified in the Commissioners Clauses Act, 1847:

Commissioners may provide dredges, engines, &c.

13. The Commissioners may, for the purposes of the harbour, or any of them, from time to time purchase, provide, lease, or hire such dredges, engines, tugs, vessels, lighters, tools, plant, or other materials as they think fit; and may from time to time demand and receive such sums for the use of the same as they think fit; or may sell or dispose of the same, and the money thereby realized shall be applied to carrying into effect the works authorized by this Order, or some of them.

Provision for anchorage for vessels of the Royal Navy.

14. It shall be the duty of the Commissioners and their harbour master to provide forthwith suitable accommodation for any of Her Majesty's ships entering Falmouth Harbour, and, if necessary for that purpose, to remove any other vessels from any part of the harbour; and the Commissioners or their harbour master shall, at any time, on the requisition of the Lord High Admiral or the Lords Commissioners for executing the office of Lord High Admiral, or of the Commissioner appointed by such Lord High Admiral or Commissioner for

executing his office, or the Commander-in-Chief at Devonport, or the officer in command of any of Her Majesty's ships being of the rank of captain, cause such portion of the harbour as may be required, including so much of Carrick Roads and Cross Roads as lies between two imaginary straight lines drawn due east (true) respectively from Trefusis Point, and from Pencarrow or Mylor Point to the eastern shore of the harbour, to be cleared of all vessels, so as to enable vessels of the Royal Navy to anchor there, and the Commissioners or their harbour master shall, on such requisition, make due provision for the anchorage of such last-mentioned vessels.

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Pilots to be within certain limits subject to harbour master.

15. All pilots acting within so much of the limits of this Order as lies inside of a line drawn from St. Anthony's Lighthouse on the east to the Block House at Pendennis Castle on the west shall, as regards the berthing and mooring of vessels, be subject to and shall obey the directions of the Commissioners or their harbour master; but any pilot who shall misconduct himself shall be amenable only to and punishable only by the pilotage authority of the port of Falmouth, which authority are by this Order required to act accordingly on any complaint preferred to that authority by the Commissioners or their harbour master.

Part V. of 24 & 25 Vict. c. 47. to apply.

16. Part V. of the "Harbours and Passing Tolls, &c. Act, 1861," shall apply to this Order.

Meters and weighers.

17. The Commissioners shall have the appointment of meters and weighers within the limits of this Order.

Reservation of jurisdiction of Trinity House.

18. Nothing in this Order contained shall prejudice or affect the rights or jurisdiction of the Corporation of Trinity House, Deptford Strond, in respect of the Falmouth Harbour light, the Black Rock Beacon or any other lights or any buoys or beacons, or any other matter of which they have the management or control.

Parts of Harbours, Docks, &c. Act not incorporated.

19. The following sections of the Harbours, Docks, and Piers Clauses Act, 1847, shall not be incorporated with this Order; namely, sections 6 to 11 inclusive, sections 16 to 19 inclusive, sections 25 and 26, sections 37 to 42 inclusive, and section 45; and, notwithstanding anything in that Act contained, byelaws made under that Act and this Order shall not come into operation until the same have received the allowance and confirmation of the Board of Trade, which shall be sufficient for all purposes.

Reservation of rights of Earl of Kimberley, Baron Clinton, and the Redruth Railway Company.

20. Nothing in this Order contained shall prejudice or affect any property, rights, powers, or privileges of the Right Honorable John Earl of Kimberley, his heirs, successors, or assigns, or of the Right Honorable Charles Henry Rolle Baron Clinton, his heirs, successors, or assigns, or other the person or persons claiming title through or under the Right Honorable Charles Rudolph Baron Clinton, deceased, or of the Redruth and Chasewater Railway Company, their successors or assigns, in respect of any land, soil, shores, foreshores, or hereditaments in or to which the same persons and company respectively may be interested or entitled.

Reservation of Admiralty authority under 25 & 26 Vict. c. 69. sect. 9.

21. The notice in writing given to the Board of Trade by the Admiralty, under sect. 9 of "The Harbours Transfer Act, 1862," and advertised in the

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London Gazette of the 5th day of May 1863, shall be and is by this Order revoked, as regards so much of the limits referred to in that notice as is within the limits of this Order; but, notwithstanding any thing in this Order contained, any notice under the same section may be again at any time given by the Admiralty with respect to all or any part of the limits of this Order, in manner in the same section provided, and any such notice may be varied or revoked, and again given in like manner, and every such notice shall when given have the same force and effect as if this Order had not been made; and to the extent necessary to give effect to any such notice this Order shall be deemed superseded.

22. This Order may be cited as "The Falmouth Harbour Order, 1869."

Fowey.

FOWEY.

Order for the Management and Improvement of the Harbour of Fowey, in the County of Cornwall.

Incorporation of Commissioners.

1.—There shall be a body of Commissioners for carrying this Order into execution, not exceeding eleven in number, which Commissioners and their successors shall be and are hereby for the purposes of this Order incorporated by the name of "The Fowey Harbour Commissioners," and by that name shall be a body corporate, with perpetual succession and a common seal, with power to purchase, take, hold, and dispose of land and other property for the purposes but subject to the restrictions of this Order, and which Commissioners are in this Order called "the Commissioners."

Appointment of the several Commissioners.

2.—The appointment of the several Commissioners under this Order shall be regulated as follows:

(1.) The mayor and burgesses of the borough of Lostwithiel, in this Order called "the corporation," shall as soon as may be appoint one person to be Commissioner, and whenever a vacancy is caused from time to time by death, resignation, or otherwise in the office of such Commissioner, shall appoint another person to fill the vacancy.

(2.) The Lostwithiel and Fowey Railway Company, acting by their directors, shall, as soon as may be, appoint three persons to be Commissioners, and whenever a vacancy is caused from time to time by death, resignation, or otherwise in the office of any one of such three Commissioners, the directors shall appoint another person to fill the vacancy.

(3.) The trustees or trustee of the will and codicil of Joseph Thomas Treffry, and of "Treffry's Estate Act, 1853," shall, as soon as may be, appoint two persons to be Commissioners, and whenever a vacancy is caused from time to time by death, resignation, or otherwise in the office of either of such two Commissioners, then such trustees or trustee, so long as any of the trusts of such will and codicil or of the Estate Act shall be subsisting, and when all such trusts have ceased then the lord or lords for the time being of the manor of Fowey otherwise Foy and Langurthowe shall appoint another person to fill the vacancy.

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Fowey.

(4.) The owners of property and other persons rated to the relief of the poor for the parish of Fowey, in the county of Cornwall, upon a rateable value of not less than ten pounds a year, shall, on the third Monday in August one thousand eight hundred and sixty-nine, and on the third Monday in August in every following year, elect two persons to act as Commissioners for the year commencing on the first day of September following such election, and thence ensuing.

(5.) The owners of property and other persons rated to the relief of the poor for the township of Polruan, in the county of Cornwall, upon a rateable value of not less than ten pounds a year, shall on the third Monday in August one thousand eight hundred and sixty-nine, and on the third Monday in August in every following year, elect one person to act as a Commissioner for the year commencing on the first day of September following such election, and thence ensuing.

(6.) The Board of Trade may, if they think fit, appoint one person to be a Commissioner, and whenever any vacancy is caused from time to time by death, resignation, or otherwise in the office of such Commissioner, may, if they think, fit appoint another person to fill the vacancy.

(7.) The Council of His Royal Highness the Prince of Wales, or the Crown, as the case may be, in right of the Duchy of Cornwall, may at any time, if they think fit, appoint one person to be a Commissioner, and whenever any vacancy is caused from time to time by death, resignation, or otherwise in the office of such Commissioner may, if they think fit, appoint another person to fill the vacancy.

Determination of appointment of Commissioners.

3.—The appointment of any Commissioner under this Order, not being a Commissioner elected by ratepayers, may at any time be determined by the authority, body, or person in whom in case of the death or resignation of such Commissioner the appointment of another Commissioner in his place is vested.

Commencement of powers.

4.—The Commissioners shall be deemed fully constituted and have power to act under this Order as soon as five persons have been appointed or elected Commissioners; and any proceeding of the Commissioners shall not be invalidated or be illegal by reason of the non-appointment or non-election of or any informality in the appointment or election of a Commissioner.

Incorporation of Commissioners Clauses Act.

5.—The Commissioners Clauses Act, 1847, so far as not inconsistent with this Order, shall be and is hereby incorporated with this Order, and shall, so far as the nature and circumstances of the case will admit, apply to the Commissioners collectively and severally, subject to the following provisions:—

(1.) Sections 6, 7, 20, 25, 32, 54, and 84 of the said Act shall not be incorporated with this Order.

(2.) Sections 17 to 19 inclusive, 21 to 24 inclusive, 26 to 31 inclusive, and 33 to 35 inclusive of the said Act, shall apply only to the election of the two Commissioner to be elected by the ratepayers of the parish of Fowey and the Commissioners to be elected by the ratepayers of the township of Polruan respectively.

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Fowey.

(3.) With reference to sections 36 and 40 of the said Act, the first meeting of the Commissioners shall be held in the Town Hall of the town of Fowey on the first day of September next after the passing of the Act confirming this Order, at twelve o'clock noon; and an annual meeting of the Commissioners shall be held on the first Monday in the month of September in every year thereafter, at the place and hour above mentioned, or at such other place and hour as the Commissioners shall from time to time appoint.

(4.) With reference to section 39 of the said Act, the prescribed number (constituting a quorum) of the Commissioners shall be three.

(5.) The Board of Trade shall from time to time appoint a permanent auditor of the accounts of the Commissioners, and fix the salary to be paid to him, and such salary shall be paid to him accordingly by the Commissioners out of the rates levied under this Order.

Compensation to Lostwithiel Corporation.

6.—The Commissioners shall pay to the corporation, as compensation for the loss of the tolls heretofore levied in respect of the harbour by the corporation, an annual sum equal to the net annual revenue received by the corporation from such tolls upon the average of the three years next preceding the passing of the Act confirming this Order, the amount of such annual sum, if not agreed upon in writing between the corporation and the Commissioners before the first day of January one thousand eight hundred and seventy, to be ascertained by an arbitrator to be nominated for the purpose by the Board of Trade and paid by the Commissioners. Such annual sum shall be paid by equal half-yearly payments on the first day of March and the first day of September in each year, the first payment to be made on the first day of March one thousand eight hundred and seventy.

Harbour and works vested in Commissioners.

7.—From and after the first day of September one thousand eight hundred and sixty-nine, all the estate, right, and interest of the corporation in or over the harbour of Fowey, and in, over, or in respect of the rights and privileges connected therewith, shall be and are hereby vested in the Commissioners, subject to the debts, contracts, obligations, and liabilities affecting the same; and the harbour and works shall thereafter be maintained, repaired, regulated, extended, and improved by the Commissioners, under the authority and subject to the provisions of this Order.

Commissioners to be Undertakers.

8.—The Commissioners shall be the Undertakers of the works authorized by this Order.

Limits of harbour.

9.—The limits within which the Commissioners shall have authority, and which shall be deemed the limits to which the provisions of this Order extend, shall comprise the harbour of Fowey and the river Fowey, between a line drawn from Punche's Cross to Saint Catherine's Point and Lostwithiel Bridge.

Works authorized.

10.—The works by this Order authorized, and which may be executed and maintained by the Commissioners, comprise the dredging of the harbour and the bar therein, and the dredging, scouring, cleansing, and removing the banks of sand and mud within or adjoining the harbour, and the deepening the harbour and the entrance thereto, the improvement of the harbour in other

respects, the laying down buoys and moorings, and the erecting or placing of other appliances or conveniences for the use of vessels frequenting the harbour.

Power to levy rates.

11.—The Commissioners may demand and receive, on any and every vessel anchoring or mooring within the limits of this Order or otherwise using the harbour, any sum not exceeding the rate of one penny per ton register of such vessel; and if the same shall remain in the harbour more than two months continuously, then for every month or part of a month during which the same shall so remain after the first two months a further sum not exceeding the rate of one halfpenny per ton register of such vessel; provided that all vessels forced by stress of weather to seek shelter within the limits of this Order, and not breaking bulk while making use thereof, shall be exempt from rates leviable under this clause of this Order.

On enlargement of entrance channel.

12.—As soon as a channel or cut through the bar shall be made, so as to provide a clear depth throughout it of twelve feet at least below low-water of ordinary spring tides, and of a clear width throughout it of two hundred feet at least, and so long as this channel shall be maintained at such depth and width at least, the Commissioners may, in addition to the rates authorized by the last preceding clause of this Order, demand and receive in respect of every vessel liable to payment of rates under the same clause, and drawing twelve feet of water or upwards, a further sum not exceeding the rate of one halfpenny per ton register of such vessel, and may also demand and receive, in respect of every other vessel drawing twelve feet of water or upwards, which shall go above Whitehouse Point, a sum not exceeding the rate of one halfpenny per ton register of such vessel.

Extension of time for completing works.

13.—The Board of Trade, if it appears to them expedient, may, from time to time, extend the period for the completion of the works authorized by this Order.

As to evidence of completion of entrance channel.

14.—The chairman of quarter sessions of the county of Cornwall, on proof being adduced to him that the channel through the bar is throughout made of the depth of twelve feet at least and of the width of two hundred feet at least, or having been so made has ceased to be maintained of that depth or width at least, as the case may be, shall from time to time sign and give to the Commissioners, or any other person applying for this purpose, a certificate of the fact proved before him, which certificate shall be conclusive evidence of the matters therein certified, provided that such chairman shall have power to hear parties in opposition to the granting of such certificate.

Certain fishing vessels under stress of weather, and other boats exempt from rates.

15.—Fishing vessels belonging to countries with which for the time being treaties exist exempting from duties and port charges such vessels, when forced by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom, shall, when forced by stress of weather to make use of the harbour and limits to which this Order relates, and not breaking bulk while making use thereof, and also all yachts, pleasure boats, and open boats shall be exempt from all rates leviable under this Order.

Fowey.

Power to Board of Trade to reduce rates.

16.—The Board of Trade, at any time, on application in writing from six or more of the owners of vessels or boats resorting to the harbour, and after hearing the Commissioners, may, if the rates authorized by this Order appear to the Board of Trade excessive, or disproportionate to the benefits conferred, reduce the same, but without prejudice to the rights of any mortgagee; and the Board of Trade may at any time raise the rates to any amount not exceeding the amounts authorized by this Order; and the powers conferred by this section of this Order may be exercised from time to time as the Board of Trade may see fit.

Power to Board of Trade, in certain events, to supersede this Order.

17. The Board of Trade, at any time after the expiration of three years from the passing the Act confirming this Order, on such application as mentioned in the last preceding section, and after hearing the Commissioners, may, if it appear to the Board inexpedient that the powers of the Commissioners should be continued, either by reason of such powers not being exercised or not being properly exercised, or for any other cause, declare all such powers at an end, and upon a declaration so made this Order shall be deemed repealed, and shall cease to have any effect; but no declaration under this Order shall be made by the Board of Trade while any principal money borrowed under this Order, or any interest thereon, remains unpaid.

Customs officers.

18. Officers of Customs, being in the execution of their duty, shall at all times have free ingress, passage, and egress to, through, and out of the harbour and the works of the Commissioners, by land and with their vessels and otherwise, without payment.

Rates may be leased.

19. The Commissioners may from time to time lease the rates authorized by this Order for any period not exceeding ten years, to take effect in possession, and for such rent or consideration and on such terms and conditions as they think fit; and the lessees shall have and may exercise during the continuance of such lease the same powers of levying and recovering the rates as the Commissioners have or might exercise under this Order.

Borrowing powers.

20. The Commissioners may from time to time borrow at interest any sum required for the purposes of the works authorized by this Order, not exceeding in the whole the sum of two thousand pounds, on the security of the rates authorized by this Order; and any money borrowed under this Order, and discharged otherwise than by means of the sinking fund, may be re-borrowed, if required for the purposes of this Order, and so toties quoties.

Monies to be applied for the purposes of Order.

21. Every part of the money borrowed under this Order shall be applied only for the purposes authorized by this Order.

Application of rates and income.

22. The Commissioners shall apply all money received by them from the rates authorized by this Order for the purposes and in the order following, and not otherwise:—

(1.) In paying the costs of and connected with the preparation and making of this Order:

(2.) In paying the expense of the maintenance, repair, management, and regulation of the harbour and the works connected therewith:

(3.) In paying year by year the interest accruing on money borrowed under this Order:

(4.) In paying to the corporation the annual sum by way of compensation payable to them under this Order:

(5.) The surplus revenue of the harbour (if any), after providing for the purposes aforesaid, shall be applied in creating a sinking fund for the repayment of the principal monies borrowed by the Commissioners.

Commission may provide dredges, engines, &c.

23. The Commissioners may from time to time purchase, lease, provide, or hire such dredges, engines, tugs, vessels, lighters, tools, plant, or other materials as they think fit, and may from time to time demand and receive such sums for the use of the same as they think fit, or may sell and dispose of the same; and the money thereby realised shall be applied for carrying into effect the purposes of this Order, or some of them.

Pilots to be within certain limits subject to harbour master.

24. All pilots acting within the limits of this Order shall, as regards the berthing and mooring of vessels, be subject to and shall obey the directions of the Commissioners or their harbour master; but any pilot who shall misconduct himself shall be amenable only to and punishable only by the pilotage authority of the port of Fowey, which authority are by this Order required to act accordingly on any complaint preferred to that authority by the Commissioners or their harbour master.

Parts of Harbours, Docks, &c. Act not incorporated.

25. The following sections of "The Harbours, Docks, and Piers Clauses Act, 1847," shall not be incorporated with this Order; namely, sections 6 to 11 inclusive, sections 25 and 26, sections 37 to 42 inclusive, and section 45; and, notwithstanding anything in that Act contained, byelaws made under that Act and this Order shall not come into operation until the same have received the allowance and confirmation of the Board of Trade, which shall be sufficient for all purposes.

Reservation of jurisdiction of Trinity House.

26. Nothing in this Order contained shall prejudice or affect the rights or jurisdiction of the corporation of Trinity House, Deptford Strond, in respect of any lights, buoys, or beacons, or any other matter of which they have the management or control.

Commencement of Order.

27. The provisions contained in this Order with respect to the appointment and election and meeting of the Commissioners, and proceedings at such meeting, shall take effect and be in force immediately after the passing of the Act confirming this Order; and all the other provisions of this Order shall take effect and be in force, and the dues authorized by this Order may be demanded and received, from and after the first day of September one thousand eight hundred and sixty-nine.

Saving of rights under Crown Lands Act, 1866.

28. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade by "The Crown Lands Act, 1866;" nor shall any works under this Order be commenced within limits affected by any such rights, interests, powers, authorities, or privileges, without the assent of the Board of Trade having been first obtained.

Saving rights of the Hon. G.M. Fortescue.

29. This Order shall not prejudice or affect the rights and privileges of the Honourable George Matthew Fortescue, his heirs, successors, or assigns, as owners of any ancient ferry within the limits of this Order.

Short title.

30. This Order may be cited as "The Fowey Harbour Order, 1869."

A.D. 1869.

Padstow.

PADSTOW.

Order for the Improvement and further Regulation of the Harbour of Padstow in the County of Cornwall.

Preamble.

1.—The Commissioners constituted under the Act of the seventh year of the reign of Her present Majesty Queen Victoria, cap. 24, intituled "An Act for "regulating, maintaining, and improving the Port of Padstow in the county "of Cornwall, and the navigable parts of the River Camel or Allen, in the "same County," in this Order called "the Local Act," shall be the undertakers of the works authorized by this Order, and the expression "the Commissioners," used in this Order, shall mean the Commissioners under that Act.

Repeal of sect. 113 of the Local Act.

2.—From and after the passing of the Act confirming this Order, section 113. of the Local Act shall be and is hereby repealed.

Power to take lands by agreement.

3.—For the purposes of the works authorized by this Order, the Commissioners may from time to time, by agreement, enter upon, take, and use all or any part of the land shown on the plans deposited for the purposes of this Order, as intended to be taken and used for the purposes of the proposed works.

Power to execute works.

4.—Subject to the provisions of this Order, and subject also to such alterations (if any) in the plans and sections deposited for the purposes of this Order, as the Board of Trade require from time to time before the completion of the works, in order to prevent injury to navigation, the Commissioners may, on the sites designated by this Order, and in accordance with the deposited plans and sections, execute and maintain within the limits of deviation shown on the plans the works authorized by this Order, with such alterations and additions (if any) thereto as the Board of Trade may from time to time consent to for the benefit of navigation.

Description of works.

5.—The works authorized by this Order comprise the following:—

1. The lowering of the bluff of Stepper Point on the western side of the entrance to the harbour of Padstow, commencing at the outer end, on the lines and according to the plan laid down by the Royal Commissioners on Harbours of Refuge, for the improvement of Padstow as a Harbour of Refuge, and specified in the report of the said Royal Commissioners addressed to Her most gracious Majesty, and dated the 15th day of April 1859.
2. The making and maintaining a place of deposit for the stone and material which may be raised and removed during the lowering of the said bluff.
3. The building of six or more cottages at a place near Hawker's Cove, in the said harbour, for the purpose of providing residences for a boat's crew as near the entrance of the harbour as convenient.

Further powers as to works.

6.—The Commissioners may also execute and maintain all landing-places, roads, approaches, buildings, and other works and conveniences which from

time to time they may think necessary for effectuating any of the purposes of this Order; and may do any of the works authorized by this Order, either by themselves, their servants, or by others; or may contribute any portion of the cost of the said works, should the same or any part thereof be undertaken by persons other than the said Commissioners, and generally make such arrangements as may appear to them desirable for carrying out the said works.

Power to take leases from C. P. Brune, Esq., and succeeding Lords of the Manor of Padstow.

7.—The Commissioners may, upon such conditions as they may be able to arrange, take to themselves, their successors and assignees, a lease for any term not exceeding 10 years from the 29th day of September 1869 from Charles Prideaux Brune, Esq., Lord of the Manor of Padstow, or his successors, of the lands at or near Stepper Point shown upon the deposited plans, and by such lease obtain authority from him or them to lower the same Bluff at Stepper Point, and to make and maintain the said place of deposit; and also a lease for any term not exceeding seventy-two years from the 25th day of March 1870, of the land near Hawker's Cove, shown upon the said plans, as a site on which to build the proposed cottages, and which cottages, with the gardens annexed thereto, shall occupy a space not exceeding three acres; and any three of the Commissioners may by their hands and seals execute the counterparts of such leases on behalf of the whole number of Commissioners.

Power to sell materials to be removed from Stepper Point.

8.—The Commissioners may make marketable and sell the material to be removed from Stepper Point by reason of the lowering of the said bluff, as authorized by this Order.

Power to levy new rates.

9.—The Commissioners may demand and receive, in addition to the tolls and rates by the Local Act authorized to be levied for and at the said Harbour of Padstow, any sums not exceeding the several rates specified in the Schedule hereto in respect of the vessels described in the same Schedule.

Application of rates and income.

10. The Commissioners shall apply all money received by them from the rates authorized by the Local Act or this Order, and all other income coming into their hands in respect of the works authorized by that Act or this Order, or from land or property connected therewith, for the purposes and in the order following, and not otherwise:

(1.) In paying the costs of and connected with the preparation of this Order, so far as the same are not payed out of money borrowed;

(2.) In paying the expense of the maintenance, repair, management, and regulation of the harbour;

Subject to providing for payments (1) and (2) the rates authorized by this Order, or so much of such rates as shall not be required for the purpose of making such payments, shall be applied as follows:—

(3.) In paying year by year the interest accruing on money borrowed and applied for the purposes of works authorized by this Order, which interest shall be deemed payable out of the rates authorized by this Order in exoneration so far as may be of the rates authorized by the Local Act;

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(4.) In creating a sinking fund for the discharge of the principal of money borrowed and applied for the purposes of works authorized by this Order.

And subject to payments (1) and (2), which shall be made primarily out of the rates authorized by the Local Act, the last-mentioned rates shall be applied as follows:—

(5.) In paying year by year the interest on money borrowed and applied for the purposes of the Local Act, and so much of the interest on money borrowed for the purposes of this Order as shall not be discharged by payment (3);

(6.) The surplus (if any) of the rates authorized by the Local Act shall be disposed of according to the provisions of that Act.

Extension of borrowing powers contained in the Local Act.

11.—The operation of the 53rd and 68th sections of the Local Act shall be extended to suit the purposes of this Order, so that it shall be lawful for the Commissioners from time to time to borrow at interest on the credit of the rates leviable by them under the Local Act and this Order, and any other property vested in them, any sum or sums of money which they may be entitled to raise under the said 53rd section, and apply the same for the purposes authorized by the Local Act and this Order, and also to apply the same for payment of the costs of and connected with the preparation of this Order.

Application of money borrowed.

12.—All money borrowed under the Local Act or this Order shall be applied only for the purposes of the Local Act and this Order.

Separate account of moneys. Limitation of levy of rates.

13.—The Commissioners shall keep a separate account of the rates received under this Order, and the application thereof, as distinguished from the rates received under the Local Act, and also a separate account of the moneys expended for the purposes of works authorized by this Order only as distinguished from the purposes of the Local Act; and when by means of the sinking fund in this Order mentioned there shall have been provided a sum equal to the amount expended for the purposes of works authorized by this Order, then the additional rates authorized by this Order shall cease to be levied, unless the Board of Trade shall otherwise direct, and then such rates shall be levied to such extent only, and subject to such conditions, as the Board of Trade may approve.

Application of rest of the Local Act.

14.—All the other provisions of the Local Act, so far as applicable, and not altered by this Order, shall extend to the works by this Order authorized, and to the Harbour of Padstow as improved by virtue of the provisions in this Order contained; and to all deeds, contracts, orders, matters and things, which are by this Order authorized to be executed and done by or on behalf of the Commissioners.

15.—"The Harbours, Docks, and Piers Clauses Act, 1847," shall not be incorporated with this Order.

Certain fishing vessels under stress of weather exempt from rates.

16.—Fishing vessels belonging to the countries with which for the time being treaties exist, exempting from duties and port charges such vessels when forced by stress of weather to seek shelter in the ports or on the coast of the United

Kingdom, shall, when forced by stress of weather to make use of the harbour, and not breaking bulk while making use thereof, be exempt from rates leviable under the Local Act and this Order.

Customs' officers.

17.—Officers of Customs in the execution of their duty shall at all times have free ingress, passage, and egress to, through, and out of the harbour and works of the Commissioners, by land, and with their vessels and otherwise, without payment.

Commissioner may provide dredges, engines, &c.

18.—The Commissioners may, for the purposes of the harbour, or any of them, from time to time purchase, provide, lease, or hire such dredges, engines, tugs, vessels, lighters, tools, plant, or other materials as they think fit, and may from time to time demand and receive such sums for the use of the same as they think fit; or may sell or dispose of the same, and the money thereby realised shall be applied to carrying into effect the purposes of this Order, or some of them.

Saving rights under Crown Lands Act.

19.—This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade by "The Crown Lands Act, 1866;" nor shall any works under this Order be commenced within limits affected by any such rights, interests, powers, authorities, or privileges, without the consent of the Board of Trade having been first obtained.

Construction of Acts.

20.—The Local Act, so far as not by this Order repealed, and this Order, shall be read and construed together as one Act.

Short title.

21.—This Order may be cited as "The Padstow Harbour Improvement Order, 1869."

Schedule to which the foregoing Order refers.

	£	s.	d.
For every vessel, laden or partly laden, entering the said harbour, and being within a line drawn from the outer end of Stepper Point to Trebetherick Point, and not approaching nearer to the Town of Padstow than a line drawn from the south side of Saint George's Cove to the south side of Bray Hill, per register ton - - - - - -	0	0	1
For every vessel in ballast or unladen, entering the said harbour, and being within the said limits, and departing again without taking in any cargo, per register ton - - - -	0	0	0½

Pier and Harbour Orders Confirmation (No. 2.)

A

B I L L

Confirming certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act, 1861, relating to Falmouth, Fowey, and Padstow.

(*Prepared and brought in by Mr. Lefevre and Mr. John Bright.*)

Ordered, by The House of Commons, *to be printed,* 28 *May* 1869.

[Bill 137.]

Under 2 *oz.*

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

FOR

Confirming certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act, 1861, relating to Fowey and Padstow. A.D. 1869.

WHEREAS a Provisional Order made by the Board of Trade under the General Pier and Harbour Act, 1861, is not of any validity or force whatever until the confirmation thereof by Act of Parliament: Preamble. 24 & 25 Vict. c. 45.

And whereas it is expedient that the several Provisional Orders made by the Board of Trade under the said Act, and set out in the schedule to this Act, be confirmed by Act of Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. The several orders set out in the schedule to this Act shall be and the same are hereby confirmed, and all the provisions thereof in manner and form as they are set out in the said schedule shall, from and after the passing of this Act, have full validity and force. Confirmation of Orders in Schedule.

2. This Act may be cited as The Pier and Harbour Orders Confirmation Act, 1869 (No. 2). Short title.

A.D. 1869.

The SCHEDULE OF ORDERS.

1. FOWEY.—Improvement and regulation of Harbour.
2. PADSTOW.—Improvement of Harbour.

Fowey.

FOWEY.

Order for the Management and Improvement of the Harbour of Fowey, in the County of Cornwall.

Incorporation of Commissioners.

1.—There shall be a body of Commissioners for carrying this Order into execution, not exceeding eleven in number, which Commissioners and their successors shall be and are hereby for the purposes of this Order incorporated by the name of "The Fowey Harbour Commissioners," and by that name shall be a body corporate, with perpetual succession and a common seal, with power to purchase, take, hold, and dispose of land and other property for the purposes but subject to the restrictions of this Order, and which Commissioners are in this Order called "the Commissioners."

Appointment of the several Commissioners.

2.—The appointment of the several Commissioners under this Order shall be regulated as follows:

(1.) The mayor and burgesses of the borough of Lostwithiel, in this Order called "the corporation," shall as soon as may be appoint one person to be Commissioner, and whenever a vacancy is caused from time to time by death, resignation, or otherwise in the office of such Commissioner, shall appoint another person to fill the vacancy.

(2.) The Lostwithiel and Fowey Railway Company, acting by their directors, shall, as soon as may be, appoint three persons to be Commissioners, and whenever a vacancy is caused from time to time by death, resignation, or otherwise in the office of any one of such three Commissioners, the directors shall appoint another person to fill the vacancy.

(3.) The trustees or trustee of the will and codicil of Joseph Thomas Treffry, and of "Treffry's Estate Act, 1853," shall, as soon as may be, appoint two persons to be Commissioners, and whenever a vacancy is caused from time to time by death, resignation, or otherwise in the office of either of such two Commissioners, then such trustees or trustee, so long as any of the trusts of such will and codicil or of the Estate Act shall be subsisting, and when all such trusts have ceased then the lord or lords for the time being of the manor of Fowey otherwise Foy and Langurthowe shall appoint another person to fill the vacancy.

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Fowey.

(4.) The owners of property and other persons rated to the relief of the poor for the parish of Fowey, in the county of Cornwall, upon a rateable value of not less than ten pounds a year, shall, on the third Monday in August one thousand eight hundred and sixty-nine, and on the third Monday in August in every following year, elect two persons to act as Commissioners for the year commencing on the first day of September following such election, and thence ensuing.

(5.) The owners of property and other persons rated to the relief of the poor for the township of Polruan, in the county of Cornwall, upon a rateable value of not less than ten pounds a year, shall on the third Monday in August one thousand eight hundred and sixty-nine, and on the third Monday in August in every following year, elect one person to act as a Commissioner for the year commencing on the first day of September following such election, and thence ensuing.

(6.) The Board of Trade may, if they think fit, appoint one person to be a Commissioner, and whenever any vacancy is caused from time to time by death, resignation, or otherwise in the office of such Commissioner, may, if they think, fit appoint another person to fill the vacancy.

(7.) The Council of His Royal Highness the Prince of Wales, or the Crown, as the case may be, in right of the Duchy of Cornwall, may at any time, if they think fit, appoint one person to be a Commissioner, and whenever any vacancy is caused from time to time by death, resignation, or otherwise in the office of such Commissioner may, if they think fit, appoint another person to fill the vacancy.

Determination of appointment of Commissioners.

3.—The appointment of any Commissioner under this Order, not being a Commissioner elected by ratepayers, may at any time be determined by the authority, body, or person in whom in case of the death or resignation of such Commissioner the appointment of another Commissioner in his place is vested.

Commencement of powers.

4.—The Commissioners shall be deemed fully constituted and have power to act under this Order as soon as five persons have been appointed or elected Commissioners; and any proceeding of the Commissioners shall not be invalidated or be illegal by reason of the non-appointment or non-election of or any informality in the appointment or election of a Commissioner.

Incorporation of Commissioners Clauses Act.

5.—The Commissioners Clauses Act, 1847, so far as not inconsistent with this Order, shall be and is hereby incorporated with this Order, and shall, so far as the nature and circumstances of the case will admit, apply to the Commissioners collectively and severally, subject to the following provisions:—

(1.) Sections 6, 7, 20, 25, 32, 54, and 84 of the said Act shall not be incorporated with this Order.

(2.) Sections 17 to 19 inclusive, 21 to 24 inclusive, 26 to 31 inclusive, and 33 to 35 inclusive of the said Act, shall apply only to the election of the two Commissioner to be elected by the ratepayers of the parish of Fowey and the Commissioners to be elected by the ratepayers of the township of Polruan respectively.

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(3.) With reference to sections 36 and 40 of the said Act, the first meeting of the Commissioners shall be held in the Town Hall of the town of Fowey on the first day of September next after the passing of the Act confirming this Order, at twelve o'clock noon; and an annual meeting of the Commissioners shall be held on the first Monday in the month of September in every year thereafter, at the place and hour above mentioned, or at such other place and hour as the Commissioners shall from time to time appoint.

(4.) With reference to section 39 of the said Act, the prescribed number (constituting a quorum) of the Commissioners shall be three.

(5.) The Board of Trade shall from time to time appoint a permanent auditor of the accounts of the Commissioners, and fix the salary to be paid to him, and such salary shall be paid to him accordingly by the Commissioners out of the rates levied under this Order.

Compensation to Lostwithiel Corporation.

6.—The Commissioners shall pay to the corporation, as compensation for the loss of the tolls heretofore levied in respect of the harbour by the corporation, an annual sum equal to the net annual revenue received by the corporation from such tolls upon the average of the three years next preceding the passing of the Act confirming this Order, the amount of such annual sum, if not agreed upon in writing between the corporation and the Commissioners before the first day of January one thousand eight hundred and seventy, to be ascertained by an arbitrator to be nominated for the purpose by the Board of Trade and paid by the Commissioners. Such annual sum shall be paid by equal half-yearly payments on the first day of March and the first day of September in each year, the first payment to be made on the first day of March one thousand eight hundred and seventy.

Harbour and works vested in Commissioners.

7.—From and after the first day of September one thousand eight hundred and sixty-nine, all the estate, right, and interest of the corporation in or over the harbour of Fowey, and in, over, or in respect of the rights and privileges connected therewith, shall be and are hereby vested in the Commissioners, subject to the debts, contracts, obligations, and liabilities affecting the same; and the harbour and works shall thereafter be maintained, repaired, regulated, extended, and improved by the Commissioners, under the authority and subject to the provisions of this Order.

Commissioners to be Undertakers.

8.—The Commissioners shall be the Undertakers of the works authorized by this Order.

Limits of harbour.

9.—The limits within which the Commissioners shall have authority, and which shall be deemed the limits to which the provisions of this Order extend, shall comprise the harbour of Fowey and the river Fowey, between a line drawn from Punche's Cross to Saint Catherine's Point and Lostwithiel Bridge.

Works authorized.

10.—The works by this Order authorized, and which may be executed and maintained by the Commissioners, comprise the dredging of the harbour and the bar therein, and the dredging, scouring, cleansing, and removing the banks of sand and mud within or adjoining the harbour, and the deepening the harbour and the entrance thereto, the improvement of the harbour in other

respects, the laying down buoys and moorings, and the erecting or placing of other appliances or conveniences for the use of vessels frequenting the harbour.

Power to levy rates.

11.—The Commissioners may demand and receive, on any and every vessel anchoring or mooring within the limits of this Order or otherwise using the harbour, any sum not exceeding the rate of one penny per ton register of such vessel; and if the same shall remain in the harbour more than two months continuously, then for every month or part of a month during which the same shall so remain after the first two months a further sum not exceeding the rate of one halfpenny per ton register of such vessel; provided that all vessels forced by stress of weather to seek shelter within the limits of this Order, and not breaking bulk while making use thereof, shall be exempt from rates leviable under this clause of this Order.

On enlargement of entrance channel.

12.—As soon as a channel or cut through the bar shall be made, so as to provide a clear depth throughout it of twelve feet at least below low-water of ordinary spring tides, and of a clear width throughout it of two hundred feet at least, and so long as this channel shall be maintained at such depth and width at least, the Commissioners may, in addition to the rates authorized by the last preceding clause of this Order, demand and receive in respect of every vessel liable to payment of rates under the same clause, and drawing twelve feet of water or upwards, a further sum not exceeding the rate of one halfpenny per ton register of such vessel, and may also demand and receive, in respect of every other vessel drawing twelve feet of water or upwards, which shall go above Whitehouse Point, a sum not exceeding the rate of one halfpenny per ton register of such vessel.

Extension of time for completing works.

13.—The Board of Trade, if it appears to them expedient, may, from time to time, extend the period for the completion of the works authorized by this Order.

As to evidence of completion of entrance channel.

14.—The chairman of quarter sessions of the county of Cornwall, on proof being adduced to him that the channel through the bar is throughout made of the depth of twelve feet at least and of the width of two hundred feet at least, or having been so made has ceased to be maintained of that depth or width at least, as the case may be, shall from time to time sign and give to the Commissioners, or any other person applying for this purpose, a certificate of the fact proved before him, which certificate shall be conclusive evidence of the matters therein certified, provided that such chairman shall have power to hear parties in opposition to the granting of such certificate.

Certain fishing vessels under stress of weather, and other boats exempt from rates.

15.—Fishing vessels belonging to countries with which for the time being treaties exist exempting from duties and port charges such vessels, when forced by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom, shall, when forced by stress of weather to make use of the harbour and limits to which this Order relates, and not breaking bulk while making use thereof, and also all yachts, pleasure boats, and open boats shall be exempt from all rates leviable under this Order.

Fowey.

Power to Board of Trade to reduce rates.

16.—The Board of Trade, at any time, on application in writing from six or more of the owners of vessels or boats resorting to the harbour, and after hearing the Commissioners, may, if the rates authorized by this Order appear to the Board of Trade excessive, or disproportionate to the benefits conferred, reduce the same, but without prejudice to the rights of any mortgagee; and the Board of Trade may at any time raise the rates to any amount not exceeding the amounts authorized by this Order; and the powers conferred by this section of this Order may be exercised from time to time as the Board of Trade may see fit.

Power to Board of Trade, in certain events, to supersede this Order.

17. The Board of Trade, at any time after the expiration of three years from the passing the Act confirming this Order, on such application as mentioned in the last preceding section, and after hearing the Commissioners, may, if it appear to the Board inexpedient that the powers of the Commissioners should be continued, either by reason of such powers not being exercised or not being properly exercised, or for any other cause, declare all such powers at an end, and upon a declaration so made this Order shall be deemed repealed, and shall cease to have any effect; but no declaration under this Order shall be made by the Board of Trade while any principal money borrowed under this Order, or any interest thereon, remains unpaid.

Customs officers.

18. Officers of Customs, being in the execution of their duty, shall at all times have free ingress, passage, and egress to, through, and out of the harbour and the works of the Commissioners, by land and with their vessels and otherwise, without payment.

Rates may be leased.

19. The Commissioners may from time to time lease the rates authorized by this Order for any period not exceeding ten years, to take effect in possession, and for such rent or consideration and on such terms and conditions as they think fit; and the lessees shall have and may exercise during the continuance of such lease the same powers of levying and recovering the rates as the Commissioners have or might exercise under this Order.

Borrowing powers.

20. The Commissioners may from time to time borrow at interest any sum required for the purposes of the works authorized by this Order, not exceeding in the whole the sum of two thousand pounds, on the security of the rates authorized by this Order; and any money borrowed under this Order, and discharged otherwise than by means of the sinking fund, may be re-borrowed, if required for the purposes of this Order, and so toties quoties.

Monies to be applied for the purposes of Order.

21. Every part of the money borrowed under this Order shall be applied only for the purposes authorized by this Order.

Application of rates and income.

22. The Commissioners shall apply all money received by them from the rates authorized by this Order for the purposes and in the order following, and not otherwise:—

(1.) In paying the costs of and connected with the preparation and making of this Order:

(2.) In paying the expense of the maintenance, repair, management, and regulation of the harbour and the works connected therewith:

(3.) In paying year by year the interest accruing on money borrowed under this Order:

(4.) In paying to the corporation the annual sum by way of compensation payable to them under this Order:

(5.) The surplus revenue of the harbour (if any), after providing for the purposes aforesaid, shall be applied in creating a sinking fund for the repayment of the principal monies borrowed by the Commissioners.

Commission may provide dredges, engines, &c.

23. The Commissioners may from time to time purchase, lease, provide, or hire such dredges, engines, tugs, vessels, lighters, tools, plant, or other materials as they think fit, and may from time to time demand and receive such sums for the use of the same as they think fit, or may sell and dispose of the same; and the money thereby realised shall be applied for carrying into effect the purposes of this Order, or some of them.

Pilots to be within certain limits subject to harbour master.

24. All pilots acting within the limits of this Order shall, as regards the berthing and mooring of vessels, be subject to and shall obey the directions of the Commissioners or their harbour master; but any pilot who shall misconduct himself shall be amenable only to and punishable only by the pilotage authority of the port of Fowey, which authority are by this Order required to act accordingly on any complaint preferred to that authority by the Commissioners or their harbour master.

Parts of Harbours, Docks, &c. Act not incorporated.

25. The following sections of "The Harbours, Docks, and Piers Clauses Act, 1847," shall not be incorporated with this Order; namely, sections 6 to 11 inclusive, sections 25 and 26, sections 37 to 42 inclusive, and section 45; and, notwithstanding anything in that Act contained, byelaws made under that Act and this Order shall not come into operation until the same have received the allowance and confirmation of the Board of Trade, which shall be sufficient for all purposes.

Reservation of jurisdiction of Trinity House.

26. Nothing in this Order contained shall prejudice or affect the rights or jurisdiction of the corporation of Trinity House, Deptford Strond, in respect of any lights, buoys, or beacons, or any other matter of which they have the management or control.

Commencement of Order.

27. The provisions contained in this Order with respect to the appointment and election and meeting of the Commissioners, and proceedings at such meeting, shall take effect and be in force immediately after the passing of the Act confirming this Order; and all the other provisions of this Order shall take effect and be in force, and the dues authorized by this Order may be demanded and received, from and after the first day of September one thousand eight hundred and sixty-nine.

Saving of rights under Crown Lands Act, 1866.

28. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade by "The Crown Lands Act, 1866;" nor shall any works under this Order be commenced within limits affected by any such rights, interests, powers, authorities, or privileges, without the assent of the Board of Trade having been first obtained.

Saving rights of the Hon. G.M. Fortescue.

29. This Order shall not prejudice or affect the rights and privileges of the Honourable George Matthew Fortescue, his heirs, successors, or assigns, as owners of any ancient ferry within the limits of this Order.

Short title.

30. This Order may be cited as "The Fowey Harbour Order, 1869."

A.D. 1869.

Padstow.

PADSTOW.

Order for the Improvement and further Regulation of the Harbour of Padstow in the County of Cornwall.

Preamble.

1.—The Commissioners constituted under the Act of the seventh year of the reign of Her present Majesty Queen Victoria, cap. 24, intituled "An Act for "regulating, maintaining, and improving the Port of Padstow in the county "of Cornwall, and the navigable parts of the River Camel or Allen, in the "same County," in this Order called "the Local Act," shall be the undertakers of the works authorized by this Order, and the expression "the Commissioners," used in this Order, shall mean the Commissioners under that Act.

Repeal of sect. 113 of the Local Act.

2.—From and after the passing of the Act confirming this Order, section 113. of the Local Act shall be and is hereby repealed.

Power to take lands by agreement.

3.—For the purposes of the works authorized by this Order, the Commissioners may from time to time, by agreement, enter upon, take, and use all or any part of the land shown on the plans deposited for the purposes of this Order, as intended to be taken and used for the purposes of the proposed works.

Power to execute works.

4.—Subject to the provisions of this Order, and subject also to such alterations (if any) in the plans and sections deposited for the purposes of this Order, as the Board of Trade require from time to time before the completion of the works, in order to prevent injury to navigation, the Commissioners may, on the sites designated by this Order, and in accordance with the deposited plans and sections, execute and maintain within the limits of deviation shown on the plans the works authorized by this Order, with such alterations and additions (if any) thereto as the Board of Trade may from time to time consent to for the benefit of navigation.

Description of works.

5.—The works authorized by this Order comprise the following:—

1. The lowering of the bluff of Stepper Point on the western side of the entrance to the harbour of Padstow, commencing at the outer end, on the lines and according to the plan laid down by the Royal Commissioners on Harbours of Refuge, for the improvement of Padstow as a Harbour of Refuge, and specified in the report of the said Royal Commissioners addressed to Her most gracious Majesty, and dated the 15th day of April 1859.
2. The making and maintaining a place of deposit for the stone and material which may be raised and removed during the lowering of the said bluff.
3. The building of six or more cottages at a place near Hawker's Cove, in the said harbour, for the purpose of providing residences for a boat's crew as near the entrance of the harbour as convenient.

Further powers as to works.

6.—The Commissioners may also execute and maintain all landing-places roads, approaches, buildings, and other works and conveniences which from

time to time they may think necessary for effectuating any of the purposes of this Order; and may do any of the works authorized by this Order, either by themselves, their servants, or by others; or may contribute any portion of the cost of the said works, should the same or any part thereof be undertaken by persons other than the said Commissioners, and generally make such arrangements as may appear to them desirable for carrying out the said works.

Power to take leases from C. P. Brune, Esq., and succeeding Lords of the Manor of Padstow.

7.—The Commissioners may, upon such conditions as they may be able to arrange, take to themselves, their successors and assignees, a lease for any term not exceeding 10 years from the 29th day of September 1869 from Charles Prideaux Brune, Esq., Lord of the Manor of Padstow, or his successors, of the lands at or near Stepper Point shown upon the deposited plans, and by such lease obtain authority from him or them to lower the same Bluff at Stepper Point, and to make and maintain the said place of deposit; and also a lease for any term not exceeding seventy-two years from the 25th day of March 1870, of the land near Hawker's Cove, shown upon the said plans, as a site on which to build the proposed cottages, and which cottages, with the gardens annexed thereto, shall occupy a space not exceeding three acres; and any three of the Commissioners may by their hands and seals execute the counterparts of such leases on behalf of the whole number of Commissioners.

Power to sell materials to be removed from Stepper Point.

8.—The Commissioners may make marketable and sell the material to be removed from Stepper Point by reason of the lowering of the said bluff, as authorized by this Order.

Power to levy new rates.

9.—The Commissioners may demand and receive, in addition to the tolls and rates by the Local Act authorized to be levied for and at the said Harbour of Padstow, any sums not exceeding the several rates specified in the Schedule hereto in respect of the vessels described in the same Schedule.

Application of rates and income.

10. The Commissioners shall apply all money received by them from the rates authorized by the Local Act or this Order, and all other income coming into their hands in respect of the works authorized by that Act or this Order, or from land or property connected therewith, for the purposes and in the order following, and not otherwise:

(1.) In paying the costs of and connected with the preparation of this Order, so far as the same are not payed out of money borrowed;

(2.) In paying the expense of the maintenance, repair, management, and regulation of the harbour;

Subject to providing for payments (1) and (2) the rates authorized by this Order, or so much of such rates as shall not be required for the purpose of making such payments, shall be applied as follows:—

(3.) In paying year by year the interest accruing on money borrowed and applied for the purposes of works authorized by this Order, which interest shall be deemed payable out of the rates authorized by this Order in exoneration so far as may be of the rates authorized by the Local Act;

A.D. 1869.

Padstow.

(4.) In creating a sinking fund for the discharge of the principal of money borrowed and applied for the purposes of works authorized by this Order.

And subject to payments (1) and (2), which shall be made primarily out of the rates authorized by the Local Act, the last-mentioned rates shall be applied as follows:—

(5.) In paying year by year the interest on money borrowed and applied for the purposes of the Local Act, and so much of the interest on money borrowed for the purposes of this Order as shall not be discharged by payment (3);

(6.) The surplus (if any) of the rates authorized by the Local Act shall be disposed of according to the provisions of that Act.

Extension of borrowing powers contained in the Local Act.

11.—The operation of the 53rd and 68th sections of the Local Act shall be extended to suit the purposes of this Order, so that it shall be lawful for the Commissioners from time to time to borrow at interest on the credit of the rates leviable by them under the Local Act and this Order, and any other property vested in them, any sum or sums of money which they may be entitled to raise under the said 53rd section, and apply the same for the purposes authorized by the Local Act and this Order, and also to apply the same for payment of the costs of and connected with the preparation of this Order.

Application of money borrowed.

12.—All money borrowed under the Local Act or this Order shall be applied only for the purposes of the Local Act and this Order.

Separate account of moneys. Limitation of levy of rates.

13.—The Commissioners shall keep a separate account of the rates received under this Order, and the application thereof, as distinguished from the rates received under the Local Act, and also a separate account of the moneys expended for the purposes of works authorized by this Order only as distinguished from the purposes of the Local Act; and when by means of the sinking fund in this Order mentioned there shall have been provided a sum equal to the amount expended for the purposes of works authorized by this Order, then the additional rates authorized by this Order shall cease to be levied, unless the Board of Trade shall otherwise direct, and then such rates shall be levied to such extent only, and subject to such conditions, as the Board of Trade may approve.

Application of rest of the Local Act.

14.—All the other provisions of the Local Act, so far as applicable, and not altered by this Order, shall extend to the works by this Order authorized, and to the Harbour of Padstow as improved by virtue of the provisions in this Order contained; and to all deeds, contracts, orders, matters and things, which are by this Order authorized to be executed and done by or on behalf of the Commissioners.

15.—"The Harbours, Docks, and Piers Clauses Act, 1847," shall not be incorporated with this Order.

Certain fishing vessels under stress of weather exempt from rates.

16.—Fishing vessels belonging to the countries with which for the time being treaties exist, exempting from duties and port charges such vessels when forced by stress of weather to seek shelter in the ports or on the coast of the United

Kingdom, shall, when forced by stress of weather to make use of the harbour, and not breaking bulk while making use thereof, be exempt from rates leviable under the Local Act and this Order.

Customs' officers.

17.—Officers of Customs in the execution of their duty shall at all times have free ingress, passage, and egress to, through, and out of the harbour and works of the Commissioners, by land, and with their vessels and otherwise, without payment.

Commissioner may provide dredges, engines, &c.

18.—The Commissioners may, for the purposes of the harbour, or any of them, from time to time purchase, provide, lease, or hire such dredges, engines, tugs, vessels, lighters, tools, plant, or other materials as they think fit, and may from time to time demand and receive such sums for the use of the same as they think fit; or may sell or dispose of the same, and the money thereby realised shall be applied to carrying into effect the purposes of this Order, or some of them.

Saving rights under Crown Lands Act.

19.—This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade by "The Crown Lands Act, 1866;" nor shall any works under this Order be commenced within limits affected by any such rights, interests, powers, authorities, or privileges, without the consent of the Board of Trade having been first obtained.

Construction of Acts.

20.—The Local Act, so far as not by this Order repealed, and this Order, shall be read and construed together as one Act.

Short title.

21.—This Order may be cited as "The Padstow Harbour Improvement Order, 1869."

Schedule to which the foregoing Order refers.

	£	s.	d.
For every vessel, laden or partly laden, entering the said harbour, and being within a line drawn from the outer end of Stepper Point to Trebetherick Point, and not approaching nearer to the Town of Padstow than a line drawn from the south side of Saint George's Cove to the south side of Bray Hill, per register ton - - - - - - -	0	0	1
For every vessel in ballast or unladen, entering the said harbour, and being within the said limits, and departing again without taking in any cargo, per register ton - - - -	0	0	0½

Pier and Harbour Orders Confirmation (No. 2.)

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

Confirming certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act, 1861, relating to Fowey and Padstow.

(*Prepared and brought in by Mr. Lefevre and Mr. John Bright.*)

Ordered, by The House of Commons, *to be Printed,* 10 *June* 1869.

[Bill 158.]

Under 2 *oz.*

A

B I L L

TO

Confirm three Provisional Orders made by the Poor Law Board under the Poor Law Amendment Act, 1867, with reference to the city of Chester, the incorporated hundreds of Tunstead and Happing in the county of Norfolk, and the parish of Woolavington in the county of Sussex. A.D. 1869.

WHEREAS the Poor Law Board have made three Provisional Orders, under the authority of the Poor Law Amendment Act, 1867, with reference to the relief of the poor in the city of Chester, the incorporated hundreds of Tunstead and Happing in the county of Norfolk respectively, and for the distribution of the several parts of the parish of Woolavington in the county of Sussex, and the creation of two new parishes therefrom; and it is requisite that the same should be confirmed by Parliament:

Now therefore be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Provisional orders of the Poor Law Board dated respectively 11th Feb. 1869, 21st April 1869, 14th June 1869, confirmed.

1. That the said orders shall be and the same are hereby confirmed, and all the provisions thereof shall, from and after the passing of this Act, have full validity and force, which orders are in the terms following:—

A.D. 1869.

CHESTER INCORPORATION.

To the guardians of the poor within the city and county of the city of Chester:—

To the churchwardens and overseers of the poor of the parishes within the said incorporation:—

To the clerk or clerks to the justices of the petty sessions held for the division or divisions in which the parishes comprised in the said incorporation are situate:—

And to all others whom it may concern.

WHEREAS by "The Poor Law Amendment Act, 1867," it was (among other things) enacted as follows; that is to say, "Where in any union or "parish not being within the Metropolis as defined by the Metropolitan Poor "Act, 1867, the relief of the poor, or the making and levying of the poor rate, "is subject to the control or regulation of any local Act, it shall be competent "for the guardians of such union or parish having powers to exercise or duties "to discharge under such Act to apply to the Poor Law Board to issue an "order to repeal the whole or any part of such local Act, or to alter the same, "such application having been agreed to by the majority at two successive "meetings of the said guardians, and being forwarded in writing under the "hand of the presiding chairman of the second of such meetings to the said "Board; and the said Board may, if after due inquiry they shall deem it "expedient, make and issue a Provisional Order for such repeal or alteration, "and shall take all necessary steps for the confirmation of such Order by Act "of Parliament, but previously to such confirmation the said Order shall not "be of any validity whatever; and every Act of Parliament confirming such "Order shall be deemed a public general Act:"

And whereas a local Act was passed in the second year of the reign of King George the Third, intituled "An Act for better regulating the poor; "maintaining a nightly watch; lighting, paving, and cleansing the streets, "rows, and passages; providing fire-engines and firemen; and regulating the "hackney coachmen, chairmen, carmen, and porters, within the city of "Chester:"

And whereas so much of the said Act as related to the appointment and election of the commissioners therein mentioned, and the raising of money, and removal and prevention of nuisances, hath been since repealed:

And whereas by the said Act of the second year of King George the Third, certain persons therein described, and their successors, so appointed and elected as therein mentioned, were declared to be incorporated by the name of the guardians of the poor within the city and county of the city of Chester; and whereas such persons so incorporated were constituted a body to employ, support, and maintain the poor of all the nine parishes within the city of Chester, and as such are guardians within the meaning of the said first-recited Act:

A.D. 1869.

And whereas two successive meetings of the said guardians have been held, that is to say, on the tenth and the thirteenth days of December last, at which meetings the following resolution was passed:—

"That the local Act of this incorporation passed in the 3rd year of the reign "of His Majesty George the 3rd be repealed, and the Poor Law "Amendment Act of the 4th and 5th William the 4th, cap. 76, be "adopted in lieu thereof, and that application be made to the Poor "Law Board to issue their Order for carrying the same into effect, in "accordance with the 2nd section of "The Poor Law Amendment "Act, 1867:'"

And the said guardians have made application to us, the Poor Law Board, by writing under the hand of the chairman of the second of such meetings:

Now therefore we, the Poor Law Board, having duly considered the said application, do make this Provisional Order under the seal of the said Board; that is to say,

The said local Act, so far as it now remains in force, shall, from and after the twenty-ninth day of September next, be wholly repealed, except in regard to all acts of the said Board of Guardians then incomplete, and in regard to all rates and other monies due and owing under the authority of such Act, and of all debts owing by the said guardians, and of all claims and demands then outstanding, in respect whereof the provisions of the said Act shall continue in force until the Poor Law Board shall have made a proper adjustment of all claims, demands, and debts between the several parishes now comprised in the incorporation, and the persons having claims or demands against the said parishes:

Upon the repeal of the said Act taking effect, the churchwardens and overseers of the several parishes separately shall have all the same rights, privileges, and powers, and be subject to all the same liabilities and responsibilities, as the churchwardens and overseers of any parish which is not governed by any local Act:

The provisions contained in the twentieth section of "The Poor Law Amendment Act, 1867," shall be applied to this incorporation upon the repeal of the said Act.

Given under our hand and seal of office, this eleventh day of February, in the year one thousand eight hundred and sixty-nine.

(L.S.) GEORGE J. GOSCHEN,
President.

ARTHUR W. PEEL,
Secretary.

A.D. 1869.

TUNSTEAD AND HAPPING INCORPORATED HUNDREDS.

To the directors and acting guardians of the poor within the hundreds of Tunstead and Happing;—

To the churchwardens and overseers of the poor of the parishes comprised within the said incorporation:—

To the clerk or clerks to the justices of the petty sessions held for the division or divisions in which the said parishes are situate;—

And to all others whom it my concern.

WHEREAS by "The Poor Law Amendment Act, 1867," it was (among other things) enacted as follows; that is to say, "Where in any union or parish "not being within the Metropolis as defined by the Metropolitan Poor Act, "1867, the relief of the poor, or the making and levying of the poor rate, is "subject to the control or regulation of any local Act, it shall be competent "for the guardians of such union or parish having powers to exercise or duties "to discharge under such Act to apply to the Poor Law Board to issue an "order to repeal the whole or any part of such local Act, or to alter the same, "such application having been agreed to by the majority at two successive "meetings of the said guardians, and being forwarded in writing under the "hand of the presiding chairman of the second of such meetings to the said "board; and the said board may, if after due inquiry they shall deem it "expedient, make and issue a Provisional Order for such repeal or alteration, "and shall take all necessary steps for the confirmation of such Order by Act "of Parliament, but previously to such confirmation the said Order shall not "be of any validity whatever; and every Act of Parliament confirming such "Order shall be deemed a public general Act:"

And whereas a local Act was passed in the twenty-fifth year of the reign of King George the Third, intituled "An Act for the better relief and employ-"ment of the poor within the hundreds of Tunstead and Happing in the county "of Norfolk," which Act was extended by another local Act passed in the fifth year of the reign of King George the Fourth, intituled "An Act for altering "and enlarging the powers of an Act of His late Majesty King George the Third "for the better relief and employment of the poor within the hundreds of Tun-"stead and Happing in the county of Norfolk:"

And whereas by the said Act of the twenty-fifth year of the reign of King George the Third certain persons therein described, and their successors, so appointed and elected as therein mentioned, were declared to be incorporated by the name of "the guardians of the poor within the hundreds of Tunstead "and Happing in the county of Norfolk;" and whereas certain persons, under the name of directors and acting guardians, elected under the provisions of the said Act, have been constituted a body to employ, support, and maintain the poor of all the parishes within the hundreds of Tunstead and Happing, and as such are guardians within the meaning of the said first-recited Act:

A.D. 1869.

And whereas two successive meetings of the said directors and acting guardians have been held, that is to say, on the fifth and the twelfth days of January last, at which meetings the following resolution was passed:—

"That it is expedient that application be made under section two of 'The Poor Law Amendment Act, 1867,' to the Poor Law Board to make and issue a Provisional Order for the repeal of the whole of the local Acts 25th George III. and the 5th George IV., relating to the relief of the poor within the hundreds of Tunstead and Happing in the county of Norfolk:"

And the said directors and acting guardians have made application to us, the Poor Law Board, by writing under the hand of the chairman of the second of such meetings:

Now therefore, we, the Poor Law Board, having duly considered the said application, do make this Provisional Order under the seal of the said Board; that is to say,—

The said local Acts shall, from and after the twenty-ninth day of September next, be wholly repealed, except in regard to all acts of the said board of directors and acting guardians then incomplete, and in regard to all rates and other monies due and owing under the authority of such Acts, and of all debts owing by the said directors and acting guardians, and of all claims and demands then outstanding, in respect whereof the provisions of the said Acts shall continue in force until the Poor Law Board shall have made a proper adjustment of all claims, demands, and debts between the several parishes now comprised in the incorporation, and the persons having claims or demands against the said parishes:

Upon the repeal of the said Acts taking effect, the churchwardens and overseers of the several parishes separately shall have all the same rights, privileges, and powers, and be subject to all the same liabilities and responsibilities, as the churchwardens and overseers of any parish which is not governed by any local Act:

The provisions contained in the twentieth section of "The Poor Law Amendment Act, 1867," shall be applied to this incorporation upon the repeal of the said Acts.

Given under our hand and seal of office, this twenty-first day of April in the year one thousand eight hundred and sixty-nine.

(L.S.) George J. Goschen,
President.

H. Fleming,
Secretary.

A.D. 1869.

MIDHURST UNION.

PARISH OF WOOLAVINGTON.

To the guardians of the poor of the Midhurst Union in the counties of Sussex and Southampton;—

To the churchwardens and overseers of the poor of the parish of Woolavington in the said union;—

To the churchwardens and overseers of the poor of the several other parishes and places comprised in the said union;—

To the clerk or clerks to the justices of the petty sessions held for the division or divisions in which the said union is situate;—

And to all others whom it may concern:

WHEREAS the Poor Law Commissioners, by an order dated the sixteenth day of April one thousand eight hundred and thirty-five, declared that the parishes and places named in the margin thereof should, on the twelfth day of May then next, be united for the adminstration of the laws for the relief of the poor, and form the Midhurst Union, in the counties of Sussex and Southampton:

And whereas the parish of Woolavington in the said county of Sussex is set forth in the margin of the said Order as a parish which separately maintained its own poor:

And whereas by "The Poor Law Board Amendment Act, 1867," it was (among other things) enacted as follows; that is to say, "Where several parts "of any parish are separated from one another or intermixed with an adjoining "parish, or where a parish is of great extent in area, and an application in "writing shall be made to the Poor Law Board by one tenth part in value "of owners of property and ratepayers in the parish or parishes respectively "interested in the subject, the said board may, if satisfied by public inquiry "on the spot, after fourteen days public notice of the time, place, and object "of such intended inquiry, that the relief to the poor can be better administered "in the parish or parishes by means of such re-adjustment or division as "herein-after mentioned, make an order under seal for re-adjusting or dividing "the said parishes according to the terms of the application, and for the "purposes and objects set forth therein, or with such modifications as they "shall deem expedient, and such order shall be made provisionally, and shall "be submitted to Parliament, to be confirmed in the manner therein-before "set forth:"

And whereas the said parish of Woolavington is composed of several parts, which are separated from one another and intermixed with adjoining parishes:

And whereas an application in writing has been made to the Poor Law Board, under the hands of certain persons purporting to be one tenth part and upwards in value of owners of property and ratepayers in the several parishes of Woolavington, Fernhurst, and Terwick, all in the said county of Sussex, and in the said Midhurst union, interested in the said re-adjustment and division,

requesting the said Poor Law Board to make an order under seal for re-adjusting and dividing the said parishes as follows; that is to say,— A.D. 1869.

1. To annex so much of the said parish of Woolavington as adjoins the said parish of Fernhurst, and which is distinguished on the plan which accompanies this application by red colour, to the last-mentioned parish, for all purposes connected with the relief of the poor, the repair of the highways, the making and collection of all parliamentary, county, and parochial rates, taxes, impositions, and assessments, the preparation of the lists of voters, jurymen, and constables, all petty sessional, magisterial, and constabulary business, and for all other purposes whatsoever:

2. To annex so much of the said parish of Woolavington as adjoins the said parish of Terwick, and which is distinguished on the said plan by green colour, to the last-mentioned parish, for all and every the purposes herein-before mentioned in the paragraph distinguished by the number 1.:

3. To divide the remainder of the said parish of Woolavington, which is distinguished on the said plan by yellow and blue colour, into two distinct parishes, to be called respectively East Lavington and West Lavington, for all and every the purposes last herein-before mentioned or referred to:

And whereas the Poor Law Board have caused a public inquiry to be made upon the spot, after fourteen days public notice of the time, place, and object of such intended inquiry, and are satisfied that the relief to the poor can be better administered in the said parish by means of the re-adjustment and division herein-after mentioned:

Now therefore we, the Poor Law Board, in pursuance of the powers given in and by the statutes in that behalf, do hereby order, from and after the day of 29th September next, as follows; that is to say,—

Article I.—So much of the said parish of Woolavington as adjoins the parish of Fernhurst shall, for all the purposes in the said application mentioned, be incorporated with the said parish of Fernhurst.

Article II.—So much of the said parish of Woolavington as adjoins the said parish of Terwick shall, for all such purposes as aforesaid, be incorporated with the said parish of Terwick.

Article III.—The residue of the said parish of Woolavington, which consists of two parts now separated from each other, shall be divided for all the purposes aforesaid into two distinct parishes, one of which shall comprise the eastern part and shall be called East Lavington, and the other shall comprise the western part, and shall be called West Lavington.

Article IV.—The two new parishes shall continue as such in the Midhurst Union until by any order of the Poor Law Board it shall be otherwise provided; and the guardian now returned for the parish of Woolavington shall continue to act as guardian for the two parishes until the next annual election of guardians in the said union.

A.D. 1869

Article V.—The persons now acting as churchwardens and overseers for the parish of Woolavington shall continue to act as such until the said 29th day of September next, and shall be entitled to receive and collect all rates, monies, and dues payable to them respectively up to that day, and shall be liable to account for the same to the auditor or other legal authority; and thenceforth the churchwarden and overseer respectively residing in the parishes of East Lavington and West Lavington shall continue to act as such churchwarden and overseer of the respective parishes, if otherwise duly qualified, until the next annual appointments of such officers, when fresh appointments shall be made as in the case of other parishes.

Article VI.—All persons who have acquired a settlement in the said parish of Woolavington shall be deemed to be settled in the parishes of Fernhurst, Terwick, East Lavington, and West Lavington respectively, according as the residence which completed the settlement relied upon was in the parts incorporated as aforesaid, or formed into new parishes respectively, and such rule shall be applied to all cases of settlement derived from such persons.

Article VII.—The registration list of voters at the election of knights of the shire, and the list of claimants to vote at such election, and of objections to the names of persons inserted in such lists for the parish of Woolavington, which shall have been made out prior to the said 29th day of September next, shall continue to be in force, for the purposes of the revision thereof and of the election of members of Parliament for the division of the county of Sussex comprising such parish, until the time when lists shall have been made out for the said new parishes, and shall have been included in the register of the voters for the said division.

Given under our hand and seal of office, this fourteenth day of June in the year one thousand eight hundred and sixty-nine.

(L.S.) George J. Goschen,
President.

A. Fleming,
Secretary.

2. This Act may be cited as the Poor Law Board's Provisional Orders Confirmation Act, 1869.

Poor Law Board Provisional Orders Confirmation.

A

B I L L

To confirm three Provisional Orders made by the Poor Law Board under the Poor Law Amendment Act, 1867, with reference to the city of Chester, the incorporated hundreds of Tunstead and Happing in the county of Norfolk, and the parish of Woolavington in the county of Sussex.

(*Prepared and brought in by Mr. Peel and Mr. Goschen.*)

Ordered, by The House of Commons, *to be Printed,* 16 *June* 1869.

[Bill 166.]

Under 2 *oz.*

A

B I L L

FOR

The Assimilation of the Law for the Relief of the Poor in Ireland to that of England by substituting a Union Rating for the present System of Rating by Electoral Divisions. A.D. 1869.

WHEREAS it is expedient to amend the law of rating and chargeability in poor law unions in Ireland:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Repeal of provisions requiring separate assessments on electoral divisions of poor law unions.

1. That from and after the *twenty-ninth day of September one thousand eight hundred and sixty-nine*, so much of every Act contained in the schedule to this Act annexed as authorizes the making of separate rates on the electoral divisions of poor law unions in Ireland, and so much thereof as provides for the charging of the expenses or sums of money incurred or expended in the relief of the poor, or in carrying into execution or for any other purposes in the said Acts mentioned and provided for, to one or more of the electoral divisions of any union, or on the rates of any one or more of such electoral divisions, shall be and the same is hereby repealed.

Substitution of union rating.

2. From and after the said date, every rate made by the guardians of the poor for the relief of the poor in Ireland, or for any of the other purposes in the said Acts provided for, shall be made upon all the hereditaments situate in the said union and rateable under the said Acts or any of them, and thenceforth all expense incurred by the guardians or their officers in the relief of the poor, or in carrying into effect any other of the said purposes, shall be charged to the whole union and on the rates made thereon, as herein-before provided.

Provision as to framing estimate of sums chargeable on electoral

3. And whereas by an Act passed in the thirteenth year of Her Majesty, intituled "An Act to provide for the collection of rates "in the city of Dublin," the board of guardians of such union or part of a union situate within the district of the collector general

A.D. 1869.

divisions of city of Dublin.

appointed under the provisions of that Act, is required to estimate and ascertain the amount of the sums of money chargeable on any electoral division situate or comprised within the district aforesaid: Be it enacted, that in framing such estimate the guardians of each such union shall estimate and ascertain the sums so chargeable aforesaid, having regard likewise to the estimated expenditure of the other parts of such union, and so as to enable the whole estimated expenditure to be levied by an equal poundage rate on the rateable tenements situate in the whole union.

Poor law commissioners to frame necessary orders.

4. The commissioners for administering the laws for relief of the poor in Ireland are hereby authorized and required to make and issue all such orders as may be requisite to render the proceedings and accounts of the guardians of unions conformable to the provisions of this Act.

Short title.

5. This Act may be cited as "The Union Rating (Ireland) Act, 1869."

SCHEDULE referred to in Clause 1.

The 1st and 2d Vict. Cap. 56.
6th and 7th Vict. Cap. 92.
10th Vict. Cap. 31.
11th and 12th Vict. Cap. 25.
12th and 13th Vict. Cap. 104.
14th and 15th Vict. Cap. 35.
14th and 15th Vict. Cap. 108.
17th and 18th Vict. Cap. 104.
23d Vict. Cap. 56.

Poor Law (Ireland) Amendment.

A

B I L L

For the Assimilation of the Law for the Relief of the Poor in Ireland to that of England by substituting a Union Rating for the present System of Rating by Electoral Divisions.

(*Prepared and brought in by Mr. M'Mahon, Mr. Blake, Mr. Downing, and Mr. Stacpoole.*)

Ordered, by The House of Commons, *to be Printed,* 24 *February* 1869.

[Bill 18.]

Under 1 *oz.*

A

B I L L

TO

Amend the Act of the first and second years of Victoria, chapter fifty-six, intituled "An Act for the more effectual "Relief of the destitute Poor in Ireland." A.D. 1869.

WHEREAS by an Act passed in the session of Parliament holden in the first and second years of the reign of Her present Majesty, intituled "An Act for the more effectual Relief "of the destitute Poor in Ireland," it is among other things enacted, that no guardian, paid officer, warden, or other person in whose hands the collection of the rates for the relief of the destitute poor, or the providing for, ordering, management, control, or direction of the destitute poor, of any union shall or may be placed shall, either in his own name or in the name of any other person, provide, furnish, or supply, for his own profit, any materials, goods, or provisions for the use of any workhouse in any union for which he or they shall be appointed or act as such during the time for which he or they shall retain such appointment, nor shall be concerned, directly or indirectly, in furnishing or supplying the same, or in any contract relating thereto, under pain of forfeiting the sum of one hundred pounds, with full costs of suit, to any person who shall sue for the same by action of debt or on the case in any of Her Majesty's Courts of Record at Dublin:

And whereas it is expedient to amend the said provisions:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

No action to be brought after passing of Act for recovery of penalties incurred under 1 & 2 Vict. c. 56. s. 93. without

1. From and after *the passing of this Act* no action shall be brought by any person for the recovery of any forfeiture or penalty incurred under the provisions of section ninety-three of the said Act first and second Victoria, chapter fifty-six, unless such person shall previously to the commencement of such action have been

A.D. 1869.

authority of Poor Law Commissioners.

authorized to bring the same by writing under the seal of the commissioners for administering the laws for the relief of the poor in Ireland.

Persons sued before the passing of this Act may apply to court or a judge to stay proceedings on certain conditions.

2. From and after the *passing of this Act* any person against whom any action shall have been brought before the *passing of this Act* for the recovery of any forfeiture or penalty incurred under the provisions of section ninety-three of the said Act of the first and second years of Victoria, chapter fifty-six, may apply to the court in which such action shall be pending, or if such court shall not be sitting to any judge of any of the superior courts at Dublin for an order that such action shall be discontinued upon payment to the plaintiff of all costs incurred up to the time of making such application, and every such court or judge is hereby authorized and required upon such application and proof that sufficient notice thereof has been given to the plaintiff or his attorney, to make such order, and upon the making of such order, and payment or tender of such costs as aforesaid, such action shall be forthwith discontinued.

This Act not to extend to actions in which judgment has been obtained.

3. Nothing herein contained shall extend to any action in which judgment shall have passed before *the passing of this Act.*

Poor Law (Ireland) Amendment (No. 2).

A

B I L L

To amend the Act of the first and second years of Victoria, chapter fifty-six, intituled "An Act for the "more effectual Relief of the destitute Poor in Ireland."

(*Prepared and brought in by Mr. Gregory and Colonel Vandeleur.*)

Ordered, by The House of Commons, *to be Printed*, 22 *June* 1869.

[Bill 173.]

Under 1 *oz.*

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

TO

A.D. 1869.

Amend the Act of the first and second years of Victoria, chapter fifty-six, intituled "An Act for the more effectual "Relief of the destitute Poor in Ireland."

WHEREAS by an Act passed in the session of Parliament holden in the first and second years of the reign of Her present Majesty, intituled "An Act for the more effectual Relief of "the destitute Poor in Ireland," it is amongst other things enacted, that no guardian, paid officer, warden, or other person in whose hands the collection of the rates for the relief of the destitute poor, or the providing for, ordering, management, control, or direction of the destitute poor, of any union shall or may be placed shall, either in his own name or in the name of any other person, provide, furnish, or supply, for his own profit, any materials, goods, or provisions for the use of any workhouse in any union for which he or they shall be appointed or act as such during the time for which he or they shall retain such appointment, nor shall be concerned, directly or indirectly, in furnishing or supplying the same, or in any contract relating thereto, under pain of forfeiting the sum of one hundred pounds, with full costs of suit, to any person who shall sue for the same by action of debt or on the case in any of Her Majesty's Courts of Record at Dublin:

And whereas it is expedient to amend the said provisions:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

No action to be brought under

1. From and after the passing of this Act no action shall be commenced, or if then commenced shall be prosecuted, by any person, except the Commissioners for administering the laws for the

A.D. 1869.

1 & 2 Vict. c. 56. s. 93. without consent of chairman of quarter sessions, except by Poor Law Commissioners.

relief of the poor in Ireland, for the recovery of any forfeiture or penalty incurred or to be incurred by any guardian of any union under the provisions of section ninety-three of the said Act, first and second Victoria, chapter fifty-six, without the consent in writing of the chairman of the quarter sessions of the county within which the workhouse of such union is situate, upon application made to him for that purpose, and cause shown in open court at any quarter sessions of such county: Provided always, that of such intended application at least fourteen days notice in writing shall be given to the guardians against whom such action is intended to be commenced by the person applying for leave to commence the same, and the said guardian shall, if he so desire, be heard upon such application.

Persons sued before the passing of this Act may apply to court or a judge to stay proceedings on certain conditions.

2. From and after the passing of this Act any person against whom any action shall have been brought before the passing of this Act for the recovery of any forfeiture or penalty incurred in any union by such person whilst holding the appointment of guardian of such union under the provisions of section ninety-three of the said Act of the first and second years of Victoria, chapter fifty-six, may apply to the court in which such action shall have been commenced, or if such court shall not be sitting to any judge of any of the superior courts at Dublin, for an order that such action shall be discontinued upon payment to the plaintiff of all costs incurred up to the time of making such application; and every such court or judge is hereby authorized and required, upon such application, and proof that sufficient notice thereof has been given to the plaintiff or his attorney, to make such order, and upon the making of such order, and payment or tender of such costs as aforesaid, such action shall be forthwith discontinued: Provided always, that if it shall appear to the satisfaction of the said court or judge that any penalty sought to be recovered in any such action has been incurred by the fraud of the defendant, then it shall be lawful for such court or judge to refuse to make such order as to such action, and thereupon to make such other order as the said court or judge shall deem expedient: Provided also, that nothing in this section contained shall apply to any action commenced by the Commissioners for administering the laws for the relief of the poor in Ireland.

Power to judge to remit part of penalty.

3. From and after the passing of this Act, where any action shall have been brought by any person, except the Commissioners for administering the laws for the relief of the poor in Ireland, for the recovery of any forfeiture or penalty incurred under the provisions

of section ninety-three of the said Act, first and second Victoria, chapter fifty-six, and the jury shall find a verdict for the plaintiff, it shall be lawful for the judge before whom such verdict shall have been obtained, if he shall so think fit, to reduce the amount of the penalty so recovered to any sum not less than twenty-five pounds.

This Act not to extend to actions in which judgment has been obtained.

4. Nothing herein contained shall extend to any action in which judgment shall have passed before the passing of this Act.

Poor Law (Ireland) Amendment (No. 2).

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

To amend the Act of the first and second years of Victoria, chapter fifty-six, intituled "An Act for the "more effectual Relief of the destitute Poor in Ireland."

(*Prepared and brought in by Mr. Gregory and Colonel Vandeleur.*)

Ordered, by The House of Commons, *to be Printed*, 13 *July* 1869.

[Bill 213.]

Under 1 *oz.*

A

B I L L

TO

Repeal so much of the thirty-seventh section of an Act passed in the eighth and ninth years of Her present Majesty, chapter eighty-three, as relates to deductions to be made in estimating the annual value of lands and heritages in Scotland, and to make further provision for imposing assessments under the said Act.

A.D. 1869.

WHEREAS an Act was passed in the eighth and ninth years of Her present Majesty, chapter eighty-three, intituled "An Act "for the amendment and better administration of the laws relating "to the relief of the poor in Scotland," and another Act was passed in the twenty-fourth and twenty-fifth years of Her present Majesty, chapter thirty-seven, intituled "An Act to simplify the mode of "raising the assessment for the poor in Scotland," and it is expedient that the same should be amended in so far as relates to the mode of imposing assessments on lands and heritages for the relief of the poor:

Preamble.

8 & 9 Vict c. 83.

24 & 25 Vict. c. 37.

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. From and after the *first day of January one thousand eight hundred and seventy*, so much of the thirty-seventh section of the first-recited Act as enacts "that in estimating the annual value "of lands and heritages the same shall be taken to be the rent "at which, one year with another, such lands and heritages might "in their actual state be reasonably expected to let from year to "year, under deduction of the probable annual average cost of the "repairs, insurances, and other expenses, if any, necessary to "maintain such lands and heritages in their actual state, and "all rates, taxes, and public charges payable in respect of the "same," is hereby repealed, and in place thereof it is hereby enacted, that in estimating the annual value of lands and heritages

So much of section 37 of 8 & 9 Vict. c. 83. as relates to deductions from annual value repealed.

A.D. 1869.

for the purposes of the recited Acts, the same shall be taken to be the annual value at which such lands and heritages are entered in the valuation roll in force for the time being in the county or burgh within which such lands and heritages are situated, under the provisions of an Act passed in the seventeenth and eighteenth years of Her present Majesty, chapter ninety-one, intituled "An "Act for the valuation of lands and heritages in Scotland," and an Act passed in the twentieth and twenty-first years of Her present Majesty, chapter fifty-eight, intituled "An Act to amend the Act "seventeenth and eighteenth of Victoria, for the valuation of lands "in Scotland."

Poor Law (Scotland) Act (1845) Amendment.

A

B I L L

To repeal so much of the thirty-seventh section of an Act passed in the eighth and ninth years of Her present Majesty, chapter eighty-three, as relates to deductions to be made in estimating the annual value of lands and heritages in Scotland, and to make further provision for imposing assessments under the said Act.

(*Prepared and brought in by The Lord Advocate, Mr. Secretary Bruce, and Mr. Adam.*)

Ordered, by The House of Commons, *to be Printed,* 14 *April* 1869.

[Bill 80.]

Under 1 *oz.*

A

B I L L

TO

Amend the Law relating to the Repayment of Loans to Poor Law Unions. A.D. 1869.

WHEREAS it is expedient to amend the law with respect to the repayment of loans to Poor Law Unions:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title of Act.

1. This Act may be cited as "The Union Loans Act, 1869."

Application of Act.

2. This Act shall not apply to Scotland or Ireland.

Interpretation of terms.

3. Words in this Act shall have the same meaning as in "The Poor Law Amendment Act, 1834."

Monies borrowed by guardians to be a charge on common fund.

4. In the following cases; namely,—

(1.) Where any monies borrowed before the passing of this Act by guardians of any union, with the consent of the Poor Law Board, are owing by such guardians on the *twenty-ninth day of September One thousand eight hundred and sixty-nine;*

(2.) Where any monies are borrowed by guardians of any union, with the consent of the Poor Law Board, after the *passing of this Act;*

Such monies shall, from and after the said *twenty-ninth day of September One thousand eight hundred and sixty-nine*, be a charge upon and be paid out of the common fund of such union.

Monies borrowed by guardians may be repaid by sinking fund.

5. Any sum or sums of money borrowed by the guardians of any union or parish after the passing of this Act may, at the option of such guardians, and with the consent of the Poor Law Board, be repaid by means of a sinking fund, instead of by means of annual instalments, or partly by the one means and partly by the other.

[Bill 128.]

A.D. 1869.

Sinking fund how to be formed.

6. Where any monies borrowed by the guardians of any union or parish are repayable, in whole or in part, by means of a sinking fund, the guardians shall, in the case of a union out of the common fund of such union, and in other cases out of the monies in their hands for the relief of the poor, appropriate for the purposes of the sinking fund such annual sum as may be necessary to repay such monies, with interest, in *thirty years* from the time at which the same were borrowed.

Application of monies raised for sinking fund.

7. Where any monies borrowed as aforesaid are repayable by means of a sinking fund, the guardians may at any time repay any part of such borrowed monies with the said appropriated sum; provided that, in the event of its being in the judgment of the guardians inexpedient or impracticable to make such application of the said appropriated sum, the guardians shall invest such sum in such securities as the Poor Law Board approves, and in accordance with such regulations as to investment of the dividends or interest thereon and as to the sale or transfer of such securities as may from time to time be made by the Poor Law Board.

Poor Law Union Loans.

A

B I L L

To amend the Law relating to the Repayment of Loans to Poor Law Unions.

(*Prepared and brought in by Mr. Candlish, Mr. Hibbert, and Mr. Dillwyn.*)

Ordered, by The House of Commons, *to be Printed,* 13 *May* 1869.

[Bill 128.]

Under 1 *oz.*

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Amend the Law relating to the Repayment of Loans to Poor Law Unions. A.D. 1869

WHEREAS it is expedient to amend the law with respect to the repayment of loans to Poor Law Unions:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title of Act.

1. This Act may be cited as "The Union Loans Act, 1869."

Application of Act.

2. This Act shall not apply to Scotland or Ireland.

Interpretation of terms.

3. Words in this Act shall have the same meaning as in "The Poor Law Amendment Act, 1834."

Monies borrowed by guardians to be a charge on common fund.

4. In the following cases; namely,—

(1.) Where any monies borrowed before the passing of this Act and since the twenty-fifth day of March one thousand eight hundred and sixty-two by the guardians of any union, with the consent of the Poor Law Board, are owing by such guardians on the twenty-ninth day of September one thousand eight hundred and sixty-nine;

(2.) Where any monies are borrowed by the guardians of any union, with the consent of the Poor Law Board, after the passing of this Act;

Such monies, with the interest thereon, shall, from and after the said twenty-ninth day of September one thousand eight hundred and sixty-nine, be a charge upon and be paid out of the common fund of such union: Provided always, that no monies borrowed before the passing of this Act shall be so charged and paid without the unanimous consent of a meeting of guardians, of which meeting, and of the business to be transacted, at least seven days notice shall be given to each guardian.

[Bill 167.]

A.D. 1869.

Monies borrowed by guardians may be repaid by sinking fund.

5. Any sum or sums of money borrowed by the guardians of any union or parish after the passing of this Act may, at the option of such guardians, and with the consent of the Poor Law Board, be repaid—

(1.) By thirty equal annual payments of the principal sum borrowed, with the interest on the balance remaining unpaid each year:

(2.) By such equal annual payments as, reckoning principal and interest together, will repay the sum borrowed within thirty years;

or partly by the one means and partly by the other.

Poor Law Union Loans.

A

B I L L

[AS AMENDED IN COMMITTEE]

To amend the Law relating to the Repayment of Loans to Poor Law Unions.

(*Prepared and brought in by Mr. Candlish, Mr. Hibbert, and Mr. Dillwyn.*)

Ordered, by The House of Commons, *to be Printed,* 17 *June* 1869.

[Bill 167.]

Under 1 *oz.*

A

B I L L

TO

Amend the Act of the twenty-fifth and twenty-sixth years of Victoria, chapter eighty-three, section nine, by extending the age at which orphan and deserted children may be kept out at nurse.

A.D. 1869.

WHEREAS it is expedient to amend the provisions of the Act twenty-five and twenty-six Victoria, chapter eighty-three, so far as the same relate to the relief of orphan and deserted children out of workhouses in Ireland:

25 & 26 Vict. c. 83.

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. From and after the passing of this Act, section nine of the Act twenty-five and twenty-six Victoria, chapter eighty-three, shall be and the same is hereby repealed.

Repeal of 25 & 26 Vict. c. 83. s. 9.

2. From and after the passing of this Act it shall be lawful for the board of guardians of any union in Ireland to provide for the relief of any orphan or deserted child out of the workhouse, if they shall think fit to do so, by placing such child out at nurse, according to their discretion; provided that no child shall be placed out with any person who does not profess the same religion as that in which the child has been registered, and that no child shall continue to be so relieved after the age of *ten* years.

Relief of orphans and deserted children.

Poor Relief (Ireland) Act (1862) Amendment.

A

B I L L

To amend the Act of the twenty-fifth and twenty-sixth years of Victoria, chapter eighty-three, section nine, by extending the age at which orphan and deserted children may be kept out at nurse.

(*Prepared and brought in by Admiral Seymour and Mr. O'Neill.*)

Ordered, by The House of Commons, *to be Printed*, 11 *May* 1869.

[Bill 117.]

Under 1 *oz.*

A

B I L L

TO

Amend the law relating to Post Office Savings Banks. A.D. 1869.

WHEREAS it is expedient to amend the following Acts; namely,—

An Act of the session of the twenty-fourth and twenty-fifth years of the reign of Her present Majesty, chapter fourteen, intituled "An Act to grant additional facilities for depositing small "savings at interest with the security of the Government for "due repayment thereof;" and

An Act of the session of the twenty-sixth and twenty-seventh years of the reign of Her present Majesty, chapter fourteen, intituled "An Act to amend the law relating to Post Office "Savings Banks:"

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Construction and short titles.

1. This Act shall be construed as one with the recited Acts, and the said Acts, together with this Act, may be cited for all purposes as the Post Office Saving Banks Acts, and each of the said Acts may be cited as the Post Office Savings Banks Act of the year in which it was passed.

Limits of amount to be received by post-master general.

2. The Postmaster General, in pursuance of the recited Acts, may direct his officers to receive from any one depositor sums amounting in the whole to not more than *one hundred pounds* in any one year, and not more than *three hundred pounds* in any number of years.

Post Office Savings Banks.

A

B I L L

To amend the law relating to Post Office Savings Banks.

(*Prepared and brought in by Marquis of Hartington, Mr. Chancellor of the Exchequer, and Mr. Stansfeld.*)

Ordered, by The House of Commons, *to be Printed,* 9 *April* 1869.

[Bill 69.]

Under 1 *oz.*

A

B I L L

INTITULED

An Act for repealing part of an Act of the first year of the reign of their Majesties King William and Queen Mary, intituled "An Act to vest in the two Universities the "presentations of benefices belonging to Papists," and for securing uniformity in the law relating to the residence of spiritual persons upon their benefices, and to the penalties and forfeitures consequent on non-residence. A.D. 1869.

WHEREAS by an Act passed in the first year of the reign of their Majesties King William and Queen Mary, chapter twenty-six, it was (amongst other things) enacted, that if any person presented or nominated to any benefice with cure as in the same Act is mentioned should be absent from the same above the space of sixty days in any one year, in such case the said benefice should become void:

And whereas by an Act passed in the first and second years of the reign of Her present Majesty, chapter one hundred and six, intituled "An Act to abridge the holding of benefices in plurality, "and to make better provision for the residence of the clergy," provisions are made for enforcing the residence of spiritual persons upon their benefices, and penalties and forfeitures are thereby imposed for non-residence, which Act was amended by an Act passed in the thirteenth and fourteenth years of the reign of Her present Majesty, chapter ninety-eight, but the herein-before recited provision contained in the said Act of the first year of the reign of their Majesties King William and Queen Mary was not expressly repealed:

And whereas it is desirable, for the sake of uniformity, that the residence of spiritual persons upon their benefices should in all cases be enforced under the powers of the herein-before mentioned Acts of the reign of Her present Majesty, and that such spiritual

A.D. 1869.

persons should not be subjected to any penalties or forfeitures in consequence of non-residence, other than the penalties and forfeitures provided by the same Acts:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Repeal of part of recited Act.

1. So much of the said Act of the first year of the reign of their Majesties King William and Queen Mary as is herein-before recited shall be and the same is hereby repealed.

What proceedings may be taken for enforcing residence.

2. From and after the passing of this Act, no proceeding shall be taken against any spiritual person for enforcing the residence of such spiritual person upon his benefice, or by reason of his non-residence on his benefice, except under the powers and provisions contained in the herein-before mentioned Acts of Parliament of the first and second years of the reign of Her present Majesty, chapter one hundred and six, and the thirteenth and fourteenth years of the reign of Her present Majesty, chapter ninety-eight, or of any Act for the time being in force for amending the same, and no penalty or forfeiture shall be incurred in consequence of the non-residence of any spiritual person upon his benefice, save and except such penalties for non-residence as are provided by the herein-before mentioned Acts of the reign of Her present Majesty, or as shall be provided by any Act for the time being in force for amending the same.

belonging to Roman Catholics, &c. [H.L.]

A

B I L L

INTITULED

An Act for repealing part of an Act of the first year of the reign of their Majesties King William and Queen Mary, intituled "An Act to vest in "the two Universities the presenta- "tions of benefices belonging to "Papists," and for securing uniformity in the law relating to the residence of spiritual persons upon their benefices, and to the penalties and forfeitures consequent on non-residence.

(*Brought from the Lords* 2 *August* 1869.)

Ordered, by The House of Commons, *to be Printed,* 2 *August* 1869.

[Bill 256.]

Under 1 *oz.*

525

A

B I L L

INTITULED

An Act to provide for the prevention of Gaming in public places in Scotland. A.D. 1869.

WHEREAS it is expedient that provision should be made for punishing idle and disorderly persons guilty of gaming, or of having in their possession instruments of gaming, in public places in Scotland:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited for all purposes as the "Prevention of Gaming (Scotland) Act, 1869."

Interpretation.

2. In this Act the following words shall have the meanings hereby assigned to them:

"Magistrate" shall mean and include the sheriff and sheriff substitute, or any one or more magistrate or magistrates having jurisdiction respectively in the county or burgh where any offence against the provisions of this Act is committed, or where any person charged with such offence is found or brought to trial:

"Procurator fiscal" shall mean and include the procurator fiscal of the court having such jurisdiction.

Penalty on gambling, &c. in public places.

3. All chain-droppers, thimblers, loaded-dice players, card-sharpers, and other persons of similar description, who shall be found in any public place or in any grounds open to the public, or in any public conveyance, in possession of implements or articles for the practice of chain-dropping, thimbling, loaded-dice playing, card-sharping, or other unlawful gaming, or who shall in any such place, grounds, or conveyances, exhibit such implements or articles in order to induce or entice any person to engage in any such game, or

A.D. 1869.

who, by any such fraudulent act or device, shall cozen and cheat or attempt to cozen and cheat any person in any public place or in any grounds open to the public, or in any public conveyance, may be convicted before a magistrate on the testimony of one or more credible witness or witnesses, and on conviction shall be imprisoned, with or without hard labour, for any term not exceeding sixty days, and shall also at the same time be sentenced to repay any money or restore any property which they may have obtained by means of any such offence, and failing such payment or restoration may, under the same procedure, be committed to or detained in prison, with or without hard labour, for any further term not exceeding sixty days.

By whom prosecution to be raised.

4. Every prosecution for any offence against the provisions of this Act shall be raised and proceeded in under the provisions of the "Summary Procedure Act, 1864," and at the instance of the procurator fiscal of the court having jurisdiction under this Act.

Prevention of Gaming (Scotland). [H.L.]

A

B I L L

INTITULED

An Act to provide for the prevention of Gaming in public places in Scotland.

Brought from the Lords 29 *July* 1869.

Ordered, by The House of Commons, *to be Printed,* 29 *July* 1869.

[Bill 248.]

Under 1 *oz.*

A

B I L L

TO

Amend "The Prisons (Scotland) Administration Act, 1860." A.D. 1869.

WHEREAS "The Lands Clauses Consolidation (Scotland) Act, 1845," is incorporated with "The Prisons (Scotland) Administration Act, 1860," as explained by the Act twenty-eighth and twenty-ninth Victoria, chapter eighty-four:

And whereas by the one hundred and sixteenth section of the said Lands Clauses Act it is provided that if no period be prescribed the powers of the promoters of the undertaking for compulsory purchase of lands for the purposes of the special Act shall not be exercised after the expiration of three years from the passing of the special Act, and it is expedient that the said provision should be excepted in so far as regards lands to be acquired for the purposes of the said Prisons Act: And whereas it is expedient that provision should be made for defraying the expense of maintaining prisoners under short sentences in places of detention, and of transmitting such prisoners to local prisons:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Exception of provision of Lands Clauses Act limiting time for compulsory purchase of lands.

1. The one hundred and sixteenth section of "The Lands Clauses Consolidation (Scotland) Act, 1845," is hereby excepted from the incorporation of that Act with "The Prisons (Scotland) Administration Act, 1860;" and the Commissioners of Her Majesty's Works and Public Buildings and any County or District Prison Board may at any time and from time to time, under the provisions of the said Acts and this Act, purchase, take, and acquire otherwise than by agreement lands adjoining or adjacent to any prison for the purpose of enlarging, improving, or isolating such prison; and any purchases of lands which may have been made under and for the purposes of the said Prisons Act previous to the

A.D. 1869.

passing of this Act are hereby sanctioned and confirmed; and the expression "the promoters of the undertaking" in the said Lands Clauses Act shall include any District Prison Board seeking to acquire lands under the said Prisons Act.

Expense of maintaining prisoners in places of detention may be paid by County or District Prison Board.

2. When any building or part of a building other than a local prison under the administration of a County or District Prison Board is or shall be a lawful place of detention for prisoners under short sentences, whether under the powers conferred by "The Summary Procedure Act, 1864," or in virtue of any public or local Act, the County or District Prison Board of the county or district in which such place of detention is situate may pay to the administrators of the police having charge of such place of detention, such sum or sums of money annually as such Board may think proper for or towards defraying the expense of maintaining the prisoners detained in such place of detention, and all monies so paid shall be charged on and defrayed out of the assessment for current expenses leviable by such board.

Expense of transmitting prisoners to local prisons may be paid by County or District Prison Board.

3. Any County or District Prison Board may defray out of the assessment for current expenses leviable by them, the expense of transmitting any person who may have been sentenced by any sheriff, magistrate of a burgh, or justice of the peace to imprisonment for any period not exceeding three days, from the place where such sentence was pronounced to any local prison in the county in which such place is situate.

Short title.

4. This Act may be cited for all purposes as "The Prisons (Scotland) Amendment Act, 1869."

Prisons (Scotland) Administration Act (1860) Amendment.

A

B I L L

To amend "The Prisons (Scotland) Administration Act, 1860."

(*Prepared and brought in by*
The Lord Advocate, Mr. Secretary Bruce, and
Mr. Solicitor General for Scotland.)

Ordered, by The House of Commons, *to be Printed,*
3 *June* 1869.

[Bill 143.]

Under 1 *oz.*

A

BILL

TO

Authorize the Commissioners of Her Majesty's Works and Public Buildings to acquire by compulsory purchase or otherwise certain lands, houses, and premises in the parish of Saint Margaret, Westminster, and for other purposes. A.D. 1869.

WHEREAS, in pursuance of divers Acts of Parliament and lastly of "The Public Offices Site Act, 1866," the Commissioners of Her Majesty's Works and Public Buildings, as incorporated for the purposes of the said Acts, and in this Act referred to as "the Commissioners," have acquired divers lands and tenements in and near Downing Street, in the city of Westminster, (which lands and tenements in as far as they are comprised in the last-mentioned Act are therein described as "the prescribed lands") as a site for offices for the public service, with suitable approaches thereto:

And whereas the Commissioners require certain other lands and tenements (which lands and tenements are herein-after referred to as "additional lands") in the neighbourhood of the said prescribed lands:

And whereas duplicate plans, describing the situation of the said additional lands, with a book of reference thereto, containing the names of the owners and lessees or reputed owners and lessees and of the occupiers thereof, have been deposited with the Clerk of the Peace for the county of Middlesex at his office at the Sessions House, Clerkenwell, and with the clerk of the Westminster District Board of Works; and it is expedient that powers should be given to the said Commissioners to purchase such lands for the purposes of this Act: Deposit of plans and books of reference descriptive of site.

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. This Act may be cited for all purposes as "The Public Offices Site Act, 1869." Short title.

[Bill 153.]

A.D. 1869.

Power of Commissioners to purchase land.

2. The Commissioners may purchase and hold the said additional lands, and for the purpose of effecting such purchase the Public Offices Site Act, 1866, shall be incorporated with this Act, and the provisions of that Act shall apply in the same manner in all respects as if the said additional lands formed part of the said prescribed lands, subject to the conditions following:

(1.) The Commissioners shall hold the said additional lands on trust to appropriate the same for the concentration of the public offices, and for such purposes connected with the public service, and in such manner as may be prescribed by the Lords Commissioners for the time being of Her Majesty's Treasury, with power to sell and dispose of any part of the said lands to any department of Her Majesty's Government, or to any public office connected with any department of Her Majesty's Government, or to the Receiver of the Metropolitan Police District; and it shall be lawful for any such department or office, or the Receiver of the Metropolitan Police District to buy the same accordingly.

(2.) The limit for the compulsory purchase of lands under this Act shall be three years from the date of the passing of this Act.

(3.) In consideration of the additional lands to be taken under the provisions of this Act, the maximum sum of fourteen hundred pounds per annum, payable as in "The Public Offices Site Act, 1866," is mentioned, for making up deficiencies in the rates of the parishes of Saint Margaret and Saint John the Evangelist, Westminster, shall be increased to a sum not exceeding pounds per annum, and the annual amount with reference to which such deficiences shall be calculated and ascertained shall be the sum of pounds, in lieu of the sum of thirteen hundred and thirty pounds in the said Public Offices Site Act, 1866, mentioned.

(4.) All buildings erected on the said additional lands by the said Commissioners by any department of Her Majesty's Government, or by any public office connected with a department of Her Majesty's Government, in pursuance of this Act, or by the Receiver of the Metropolitan Police District, shall be exempted from the operation of the first part of the Metropolitan Buildings Act, 1855.

Public Offices Concentration.

A

B I L L

To authorize the Commissioners of Her Majesty's Works and Public Buildings to acquire by compulsory purchase or otherwise certain lands, houses, and premises in the parish of Saint Margaret, Westminster, and for other purposes.

(*Prepared and brought in by Mr. Layard and Mr. Chancellor of the Exchequer.*)

Ordered, by The House of Commons, *to be Printed,* 8 *June* 1869.

[Bill 153.]

Under 1 *oz.*

A

BILL

[AS AMENDED BY THE SELECT COMMITTEE]

TO

Authorize the Commissioners of Her Majesty's Works and Public Buildings to acquire by compulsory purchase or otherwise certain lands, houses, and premises in the parish of Saint Margaret, Westminster, and for other purposes. A.D. 1869.

WHEREAS, in pursuance of divers Acts of Parliament and lastly of "The Public Offices Site Act, 1866," the Commissioners of Her Majesty's Works and Public Buildings, as incorporated for the purposes of the said Acts, and in this Act referred to as "the Commissioners," have acquired divers lands and tenements in and near Downing Street, in the city of Westminster, (which lands and tenements in as far as they are comprised in the last-mentioned Act are therein described as "the prescribed lands") as a site for offices for the public service, with suitable approaches thereto:

And whereas duplicate plans, describing the situation of certain other lands and tenements, with a book of reference thereto, containing the names of the owners and lessees or reputed owners and lessees and of the occupiers thereof, have been deposited with the Clerk of the Peace for the county of Middlesex at his office at the Sessions House, Clerkenwell, and with the clerk of the Westminster District Board of Works; and it is expedient that powers should be given to the said Commissioners to purchase a portion of such last mentioned lands and tenements for the purposes aforesaid: Deposit of plans and books of reference descriptive of site.

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. This Act may be cited for all purposes as "The Public Offices Site Act, 1869." Short title.

2. The Commissioners may purchase and hold the lands and tenements delineated on the deposited plans and described in the deposited books of reference, save and except the lands and tene- Power of Commissioners to purchase land.

A.D. 1869.

ments mentioned in the schedule to this Act, and for effecting such purchase the Public Offices Site Act, 1866, shall be incorporated with this Act, and the provisions of that Act shall, subject to the provisions of this Act, apply in the same manner in all respects as if the said lands and tenements hereby authorized to be purchased (herein-after referred to as the additional lands) formed part of the said prescribed lands.

Appropriation of land purchased.

3. The Commissioners shall hold the additional lands on trust to appropriate the same for the purposes of the Public Offices Site Act, 1866, or for such purposes connected with the public service and in such manner as may be prescribed by the Lords Commissioners for the time being of Her Majesty's Treasury, with power to sell and dispose of any part of the said lands to any department of Her Majesty's Government, or to any public office connected with any department of Her Majesty's Government, or to the Receiver of the Metropolitan Police District; and it shall be lawful for any such department or office, or the Receiver of the Metropolitan Police District, to buy the same accordingly.

Limit for compulsory purchase.

4. The limit for the compulsory purchase of lands under this Act shall be three years from the date of the passing of this Act.

Exemption of buildings.

5. All buildings erected on the additional lands by the said Commissioners by any department of Her Majesty's Government, or by any public office connected with a department of Her Majesty's Government, in pursuance of this Act, or by the Receiver of the Metropolitan Police District, shall be exempted from the operation of the first part of the Metropolitan Buildings Act, 1855.

Commissioners to make good to parishes of St. Margaret and St. John the Evangelist, Westminster, deficiencies in rates.

6. And whereas by reason of taking the additional lands there may be deficiencies in the produce of the assessments for the relief of the poor, and making certain payments directed by Act of Parliament to be made out of the poor's rate, as also in the produce of other assessments directed to be raised and levied on the persons and in respect of the property by law rateable to the relief of the poor of the parishes of Saint Margaret and Saint John the Evangelist, Westminster: And whereas the rates of the said parishes have been mortgaged, and are now charged with and subject to the repayment of certain sums amounting in the aggregate to seventeen thousand and five pounds seventeen shillings or thereabouts principal money, with interest thereon, such principal sums being monies borrowed since the first day of December one thousand eight hundred and sixty-five, and which charges it is calculated will be wholly paid off on or before the eleventh day of June one thousand eight hundred and seventy-eight, and it is expedient that provision

should be made for a contribution for a limited time by the said Commissioners in aid of the poor rates and other rates to be raised and levied as herein-before mentioned: Be it enacted, that the said Commissioners shall, from and after the twenty-ninth day of September one thousand eight hundred and sixty-nine, yearly and every year until the twenty-fifth day of March one thousand eight hundred and seventy-eight, *by and out of such monies as Parliament may from time to time place at their disposal for that purpose*, and in addition to any other payments to which they are at present liable in respect of the said parishes, pay and make good to the said parishes such sum or sums of money, not exceeding the sum of two thousand four hundred pounds per annum, as shall be deficient in respect of the said rates by reason or means of taking the additional lands, such deficiencies to be calculated and ascertained with reference to the sum of two thousand three hundred and ninety-four pounds seven shillings, being the amount actually collected for and in respect of such rates made in the year one thousand eight hundred and sixty-eight in respect of houses and buildings which may be shut up or taken down, or of ground taken and used by the Commissioners under this Act, an account of which deficiencies shall from time to time be made out and delivered to the Commissioners, verified by the collector or other proper officer of the said parishes, in such manner and form as the Commissioners shall direct, and no payment shall be made until such account has been delivered, duly verified, to the said Commissioners, and approved of by them, or on their behalf.

When first payment to be made.

7. The first payment in respect of such deficiencies, so ascertained and verified as aforesaid, to be made on the twenty-ninth day of September one thousand eight hundred and seventy, and the receipts of the treasurer for the time being of the said parishes or of the collector for the time being of the said rates shall be a good and sufficient discharge to the Commissioners for such payment.

The SCHEDULE referred to in the foregoing Act.

Lands and tenements numbered on the deposited plans 9 to 54, both inclusive; 64 to 69, both inclusive; 126, 127, 129, and 130.

Public Offices Concentration.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

To authorize the Commissioners of Her Majesty's Works and Public Buildings to acquire by compulsory purchase or otherwise certain lands, houses, and premises in the parish of Saint Margaret, Westminster, and for other purposes.

(*Prepared and brought in by Mr. Layard and Mr. Chancellor of the Exchequer.*)

Ordered, by The House of Commons, *to be Printed,* 6 *July* 1869.

[Bill 196.]

Under 1 *oz.*

A

B I L L

TO

Afford facilities for the establishment and maintenance of public Parks in Ireland. A.D. 1869.

WHEREAS it is expedient that facility should be given for the establishment and maintenance of public parks in towns in Ireland:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited for all purposes as the Public Parks (Ireland) Act, 1869.

Limits of Act.

2. This Act shall extend and apply only to Ireland.

Interpretation: "Governing body;" "Town."

3. The expression "governing body" shall in the several places in the schedule annexed hereto in that behalf mentioned mean the persons or bodies of persons referred to in the first column of the schedule hereto annexed; and the term "town" in relation to a governing body shall as respects each authority mean the places in that behalf referred to in the second column of the said schedule.

Governing body may determine to establish public parks, walks, &c., and levy rates for maintaining the same, &c.

4. The governing body of any town, the population of which, according to the last account from time to time taken thereof by the authority of Parliament, exceeds ten thousand persons, may, by a resolution to be made in manner herein-after mentioned, determine to establish and maintain any public park for the use and enjoyment of the persons inhabiting such town, and may, after the said resolution has been confirmed, levy rates for making or maintaining such public park, and may, for the purposes of this Act, purchase or take on lease lands, and may accept gifts or grants of land.

A.D. 1869.

Resolution.

5. Any resolution by the governing body of any town for the purposes aforesaid shall not have effect unless the same has been agreed to by the governing body in some meeting whereof special notice has been given, and has been confirmed in a subsequent meeting held not sooner than four weeks after the preceding meeting, and which subsequent meeting has been advertised once at least in each of the weeks intervening between the two meetings in some newspaper circulated within the limits of the town, and of which special notice in writing has been given to each member of the governing body, nor until the expiration of one month after the date of such second meeting: Provided always, that during such month such resolution shall be advertised once at least in each week in some newspaper circulated within the limits of such town, and public notice thereof shall also be given by means of placards posted in public places within the said limits; and if before the expiration of such month a remonstrance in writing against carrying into effect such resolution, signed by a majority of the ratepayers having votes in the election of the governing body, be presented to the governing body, such resolution shall be null and void and shall not have effect.

How expenses to be defrayed.

6. The governing body of any town shall pay all expenses incurred by them in carrying any resolution under this Act into effect out of the fund in the schedule in that behalf mentioned, and, where such fund arises wholly or in part from rates, shall have, in addition to their existing powers of rating, all such powers for making and levying any *extra rate*, if necessary, respectively, as in the case of any rate authorized to be made under the provisions of the respective Acts of Parliament under which such governing body is constituted or authorized to levy rates; and all provisions of such Acts respectively shall be applicable in respect thereof: Provided that when the rates to be assessed by such governing body are limited by law to a certain rateable amount, such limitation shall not apply or extend to expenses incurred in carrying this Act into execution; and it shall be lawful for such governing body to assess the expenses under this Act, in addition to such limited assessment: Provided always, that no rate made under the authority of this Act shall exceed *threepence* in the pound.

Power to borrow.

7. The governing body of any town shall, for the purposes of this Act, have all such powers of borrowing money on the security of the rate or fund available for the payment of expenses under this Act as are vested in such governing body under the provisions of the respective Acts of Parliament under which such governing

body is constituted or authorized to levy rates: but such powers shall be subject to the conditions and sanction (if any) under which the powers under the said Acts may be exercised by such governing bodies: Provided always, that the powers of borrowing money hereby conferred may be exercised in addition to the powers conferred by the said Act.

Power to appoint committees.

8. Where any resolution to establish and maintain a park in any town under the provisions of this Act has been confirmed, the governing body of such town may from time to time, at any meeting specially convened for that purpose, form a committee, consisting wholly of its own members, or partly of its own members and partly of such other persons contributing to the rate or fund out of which the expenses incurred in carrying out this Act are to be paid, and qualified in such manner as the governing body may determine; and the governing body may define the powers of such committee, and may delegate to them all or any of the powers of such governing body under this Act.

Power to make byelaws.

9. Where any park shall have been established in any town under the provisions of this Act, the governing body of such town may make byelaws for the use, government, control, or management of such park, and for the protection and preservation from injury of the same, and of the trees, shrubs, walks, seats, gates, fences, and palings, and all other parts thereof, and for the exclusion of improper persons from the same, and may alter or revoke any such byelaws, and shall appoint a penalty not exceeding *five pounds* for any and every breach of any byelaw made as aforesaid: Provided always, that such byelaws shall be made by such governing body, in the same manner, subject to the same conditions, and with the like sanction as if the same were byelaws made by such governing body under the provisions of and for the purposes mentioned in the Act or Acts under which such governing body is constituted or authorized to levy rates.

SCHEDULE.

Description of governing body.	Description of town.	Rate or fund out of which expenses incurred under this Act to be defrayed.
The Right Honourable the Lord Mayor, aldermen, and burgesses, acting by the town council.	The city of Dublin -	The borough rate or borough fund.
The mayor, aldermen, and burgesses, acting by the town council.	Towns corporate, with exception of Dublin.	The borough rate or borough fund.
The town commissioners -	Towns having town commissioners under the Towns Improvement (Ireland) Act, 1854 (17 & 18 Vict. c. 113), or under any local Act.	Any rate levied by the commissioners.
The township commissioners.	Townships having commissioners under local Acts.	
The commissioners appointed by virtue of an Act made in the 9th year of the reign of George the Fourth, intituled "An Act to make provision for the lighting, cleansing, and watching of cities and towns corporate and market towns in Ireland in certain cases."	Towns under such commissioners.	
The municipal commissioners.	Towns having municipal commissioners under 3 & 4 Vict. c. 108.	The town fund.

Public Parks (Ireland).

A

B I L L

To afford facilities for the establishment and maintenance of public Parks in Ireland.

(*Prepared and brought in by*
Mr. M'Clure, Mr. William Johnston,
Mr. Pim, and Mr. Maguire.)

Ordered, by The House of Commons, *to be Printed,*
3 *June* 1869.

[Bill 147.]

Under 1 *oz.*

A

B I L L

FOR

Amending the Public Schools Act, 1868.

A.D. 1869.

WHEREAS by the Public Schools Act, 1868, power is given to the governing bodies and commissioners therein mentioned in the case of Westminster to establish a governing body for the school, including boys whether on the foundation or not, either wholly or partially distinct from the Dean and Chapter of Westminster:

And whereas doubts are entertained whether in the case of the schools to which the said Act applies, other than the School of Westminster, the said governing bodies and commissioners have power to establish a governing body for such schools respectively distinct from the existing governing bodies of the said schools:

And whereas it is expedient to remove such doubts:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Power in case of all schools within the Public Schools Act, 1868, to constitute a distinct governing body for the school.

1. It is hereby declared that the power given by the said Public Schools Act to the said governing bodies and commissioners in the case of Westminster School shall be deemed to have extended and to extend to all the schools to which the said Act applies, and the fifth section of the said Act as from the date of the passsing thereof shall be construed as if instead of the words "with power in the "case of Westminster to establish a governing body for the school "including boys whether on the foundation or not, either wholly or "partially distinct from the Dean and Chapter of Westminster," there had been inserted the words "with power in the case of every "school to which this Act applies to establish a governing body for "the school, including boys whether on the foundation or not, either "wholly or partially distinct from the existing governing body of

A.D. 1869.

" such school, and all statutes made or to be made in relation to " the constitution of the governing body of each of the said schools, " shall be valid accordingly."

Governing bodies to be bodies corporate.

2. Any governing body established for any of the schools to which the said Act applies shall, as in the case of Westminster School, be a body corporate, with perpetual succession and a common seal, and with power to hold lands, for the purposes of the school for which it is established, without licence of mortmain.

Amendment of sections 10 and 27.

3. The following amendments shall be made; (that is to say,)

(1.) In section ten of the said Public Schools Act, 1868, the first day of May one thousand eight hundred and sixty-nine shall be substituted for the first day of January one thousand eight hundred and sixty-nine:

(2.) In section twenty-seven of the said Act the words "a part of" shall be substituted for the words "apart from."

Short title and construction of Act.

4. This Act may be cited for all purposes as "The Public Schools Act, 1869," and shall, so far as is consistent with the tenor thereof, be construed as one with the Public Schools Act, 1868.

Public Schools Act (1868) Amendment.

A

B I L L

For amending the Public Schools Act, 1868.

(Prepared and brought in by Mr. Secretary Bruce and Mr. Solicitor General.)

Ordered, by The House of Commons, *to be Printed,* 14 *July* 1869.

[Bill 217.]

Under 1 *oz.*

A

B I L L

TO

Extend the period for the Repayment of Advances of Public Money for the construction of certain Public Works in Ireland, and also to incorporate the Commissioners of Public Works in Ireland for certain purposes, and to vest in the said Commissioners lands and premises held on public Trusts. A.D. 1869.

WHEREAS by an Act passed in the session of Parliament held in the first and second years of the reign of His late Majesty King William the Fourth, chapter thirty-three, intituled "An Act for the extension and promotion of public works in Ireland," section twenty-three, it is enacted, that it should be lawful for any grand jury of a county, county of a city, or county of a town, at any assizes, or if in the county of Dublin or county of the city of Dublin, in any presenting term, to present any sum or sums of money for the purpose of any public work which it was by the laws then in force competent for them to present in order to obtain advances from the commissioners (being the Commissioners of Public Works in Ireland) for the execution of that Act, and to set forth in such presentment that such sum or sums of money should be raised and levied by half-yearly instalments of not less than ten pounds per centum per annum of the whole sum to be expended, and likewise to present a sum sufficient to pay the annual interest of such sum or sums to be so expended, and from time to time remaining due, at such rate not exceeding five pounds per centum as might be directed by said commissioners, and likewise to include in such presentment a sufficient sum to defray the expenses attendant on making application to the said commissioners for execution of that Act, and in the same section are contained certain enactments relating to the assessment, levying, and raising the sums so to be presented in manner therein expressed: 1 & 2 W. 4. c. 33.

A.D. 1869.

And whereas it has been deemed expedient to enable the said Commissioners of Public Works in Ireland to enlarge the period for repayment of advances of the nature provided for in and by the said Act, whenever they shall think fit so to do, in the manner herein-after provided:

And whereas it has been usual that lands in Ireland required for various departments of the public service should be and the same have been taken by the Commissioners of Public Works in Ireland either by way of grant in fee simple or by demise for some less estate, and it has been customary by such grants or demises to vest such lands in the secretary for the time being of the said commissioners, his heirs, executors, administrators, or assigns, which is found inconvenient, and, therefore it is expedient to remedy such inconvenience in the manner herein-after expressed:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Whenever grand juries desire that repayment of advances from Public Works Commissioners should be delayed, a memorial to be submitted to Commissioners of Public Works.

1. That whenever any grand jury shall have obtained or shall obtain from the Commissioners of Public Works in Ireland any advance of public monies for the purpose of any public works, and shall desire that the time for repayment of that advance shall be enlarged beyond the period by the said Act provided, the secretary of such grand jury shall cause a memorial to be submitted to the said Commissioners of Public Works, setting forth the nature and particulars of such work, and the estimated expenses thereof, and the circumstances of the case, and requesting that any advance made by the said commissioners for the purposes of the same may be repaid by half-yearly instalments of not less than five pounds per centum per annum of the money to be advanced, and thereupon, and upon such further inquiry as the said commissioners may desire to be made, it shall and may be lawful to and for the said Commissioners of Public Works, by writing under the hand of their secretary for the time being, with the sanction of the Lords Commissioners of Her Majesty's Treasury, to certify at what rate, not being less than *five pounds* per centum, the several instalments in respect of such advances shall be presented, and the rate of interest to be paid therefor, and also the amount of the expenses which may have been incurred by the said commissioners in the inquiry aforesaid, and thereupon it shall and may be lawful to and for any grand jury of a county, county of a city, or county of a town, at any

assizes, or if in the county of Dublin or county of the city of Dublin in any presenting term, in making any presentment under and by virtue of the aforesaid provisions of the said Act, as amended by this Act, to set forth in such presentment that the sum or sums of money to be advanced by the said commissioners shall be raised and levied by such instalments as shall have been so certified by the said commissioners in manner as aforesaid, and likewise to include in such presentment, in addition to all sums mentioned in the said Act in that behalf, a sufficient sum to defray the expenses attendant on any such inquiry so made at the desire of the said commissioners, and this section of this Act shall be incorporated and read together with the said twenty-third section of the said in part herein-before recited Act.

Commissioners of Public Works in Ireland constituted a corporation, with power to hold lands.

2. For the purposes of this Act, and of taking, acquiring, and holding any lands in Ireland required for any department of the public service or for any public purpose, the Commissioners of Public Works in Ireland for the time being are hereby constituted a corporation, with perpetual succession and a common seal, and with power to hold lands of any tenure.

Lands to be held by Commissioners as a corporation.

3. From and after the *passing of this Act* all such lands so required and taken by the said commissioners shall be granted to and held by the said commissioners as such corporation and not otherwise.

Lands previously vested in secretary to be now vested in commissioners.

4. Immediately upon the *passing of this Act* all lands in Ireland vested in the present or any former secretary of the said commissioners, or in the heirs, executors, or administrators of any such former secretary, or their or his assigns, and held by him or them in trust for any such public department, or on any public trust, or for the use and benefit of the Crown, shall, without any conveyance or assignment thereof, be vested in the said commissioners as such corporation as aforesaid, to be held to such and the same uses and upon such trusts and purposes to and upon which the same were held respectively previously to the passing of this Act.

Commissioners entitled to benefit of all covenants, &c.

5. From and after the *passing of this Act* the said commissioners so incorporated as aforesaid shall be entitled to the benefit of all covenants, conditions, or agreements in relation to the lands so transferred, express or implied, and on the part of the grantors or lessors of the same respectively to be performed, and to maintain all actions, suits, and other proceedings grounded upon such covenants or agreements in their own name as such corporation as aforesaid; and the said commissioners as such corporation shall

A.D. 1869.

in like manner be liable to all payments, reservations, covenants, conditions, and agreements, express or implied, in respect of the same lands respectively, and on the part of the grantees or lessees of the said lands respectively, to be paid, observed, or performed; and the secretary for the time being, and every former secretary of the said commissioners, and the heirs, executors, administrators, or assigns of every such former secretary, shall immediately upon the passing of this Act (and save as herein-after mentioned) be discharged from all liability which may in any way have attached to him, them, or any of them by reason of the said lands being or having been vested in any such secretary as aforesaid; provided always, that nothing herein contained shall affect any action at law, suit in equity, or other proceeding which may have been commenced before the passing of this Act, but the same shall and may proceed, and with the like consequences and results, as if this Act had not been passed.

Interpretation.

6. The word "lands" or "land" in this Act shall be deemed to mean and include all hereditaments, corporeal and incorporeal, and whether held in fee simple, fee farm, or for a life or lives, or for lives and years concurrent, or for years only, and all rights, members, and appurtenances appertaining to such lands, or usually held or enjoyed therewith.

Public Works (Ireland).

A

B I L L

To extend the period for the Repayment of Advances of Public Money for the construction of certain Public Works in Ireland, and also to incorporate the Commissioners of Public Works in Ireland for certain purposes, and to vest in the said Commissioners lands and premises held on public Trusts.

(*Prepared and brought in by Mr. Ayrton and Mr. Chancellor of the Exchequer.*)

Ordered, by The House of Commons, *to be Printed*, 8 *July* 1869.

[Bill 202.]

Under 1 *oz.*